

6128

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the Montgomery, Otsego, Schoharie county solid waste management authority

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

1 Section 1. Subdivision 2 of section 2041-a of the public authorities
2 law, as added by chapter 747 of the laws of 1987, is amended to read as
3 follows:
4 2. "Authority" shall mean the public benefit corporation created by
5 section two thousand forty-one-b of this title, known as the Montgomery,
6 Otsego, Schoharie solid waste management authority. IF AND AT SUCH TIME
7 THAT OTSEGO COUNTY TERMINATES ITS MEMBERSHIP IN THE AUTHORITY PURSUANT
8 TO SECTION TWO THOUSAND FORTY-ONE-W OF THIS TITLE, THE "AUTHORITY" SHALL
9 BE KNOWN AS THE MONTGOMERY-SCHOHARIE SOLID WASTE MANAGEMENT AUTHORITY
10 AND OTSEGO COUNTY WOULD NO LONGER BE CONSIDERED ONE OF THE "PARTICIPAT-
11 ING COUNTIES" FOR THE PURPOSES OF THIS TITLE.
12 S 2. Section 2041-b of the public authorities law is amended by
13 adding a new subdivision 6 to read as follows:
14 6. IF AND AT SUCH TIME THAT OTSEGO COUNTY TERMINATES ITS MEMBERSHIP IN
15 THE AUTHORITY PURSUANT TO SECTION TWO THOUSAND FORTY-ONE-W OF THIS
16 TITLE, THE MEMBERSHIP OF THE BOARD SPECIFIED IN SUBDIVISION ONE OF THIS
17 SECTION SHALL CONSIST OF NO MORE THAN SIX MEMBERS, WHO SHALL BE
18 APPOINTED AS FOLLOWS: THREE MEMBERS FROM THE COUNTY OF MONTGOMERY TO BE
19 APPOINTED BY THE CHAIRMAN OF THE BOARD OF SUPERVISORS AND CONFIRMED BY
20 THE BOARD OF SUPERVISORS OF SUCH COUNTY ALL OF WHOM SHALL BE RESIDENTS
21 OF THE COUNTY AND AT LEAST ONE OF WHOM SHALL BE A RESIDENT OF THE CITY
22 OF AMSTERDAM; THREE MEMBERS FROM THE COUNTY OF SCHOHARIE ALL OF WHOM
23 SHALL BE RESIDENTS OF THE COUNTY AND WHO SHALL BE APPOINTED BY THE
24 CHAIRMAN OF THE BOARD OF SUPERVISORS AND CONFIRMED BY THE BOARD OF
25 SUPERVISORS OF SUCH COUNTY.

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

LBD09825-06-1

1 S 3. Section 2041-w of the public authorities law, as added by a chap-
2 ter of the laws of 2011, amending the public authorities law relating to
3 the Montgomery, Otsego, Schoharie county solid waste management authori-
4 ty, as proposed in legislative bills numbers S. 4555-A and A. 7212, is
5 amended to read as follows:

6 S 2041-w. Withdrawal of Otsego county. 1. Notwithstanding any
7 provision of law to the contrary, Otsego county is hereby authorized to
8 terminate its membership in the Montgomery, Otsego, Schoharie county
9 solid waste management authority[.

10 Such termination shall be]; PROVIDED, HOWEVER, THAT OTSEGO COUNTY
11 SHALL FULFILL ITS OBLIGATIONS AND RESPONSIBILITIES, AND TERMINATE SUCH
12 MEMBERSHIP, AS MAY BE REQUIRED BY AND CONSISTENT WITH EXISTING OR
13 HEREFTER-ENTERED SUPERSEDING AGREEMENTS BETWEEN THE AUTHORITY, AND THE
14 COUNTIES OF MONTGOMERY, OTSEGO, AND SCHOHARIE, AND BECOME effective upon
15 approval of a resolution by a majority of the duly constituted member-
16 ship of the Otsego county board of representatives, filed with the
17 authority and the legislative board clerks of the component counties.

18 2. The authority and THE COUNTIES OF MONTGOMERY, Otsego [county] AND
19 SCHOHARIE shall execute a plan for Otsego county's assumption of its
20 proportional and equitable share of the authority's assets and liabil-
21 ities. For purposes of this section, "proportional and equitable share
22 of the authority's assets and liabilities" shall be based on the [popu-
23 lation of Otsego county as compared to the total population of the three
24 counties that constitute the authority based on the two thousand ten
25 census] ALLOCATION PERCENTAGES SPECIFIED IN THE "POST CLOSURE MONITORING
26 AND MAINTENANCE AGREEMENT", DATED DECEMBER NINETEENTH, TWO THOUSAND
27 NINE, ENTERED INTO BETWEEN THE MONTGOMERY, OTSEGO, SCHOHARIE COUNTY
28 SOLID WASTE MANAGEMENT AUTHORITY AND THE THREE COUNTIES. Assets shall
29 include, but not be limited to, the authority's reserve and operating
30 funds and rights to the use of any Montgomery, Otsego, Schoharie county
31 solid waste management authority operated transfer stations in Otsego
32 county subject to the conditions held by the respective owners of the
33 properties.

34 S 4. This act shall take effect on the same date and in the same
35 manner as a chapter of the laws of 2011, amending the public authorities
36 law relating to the Montgomery, Otsego, Schoharie county solid waste
37 management authority, as proposed in legislative bills numbers S. 4555-A
38 and A. 7212, takes effect.