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I N S E N A T E

February 14, 2012

Introduced by Sen. BONACIC -- (at request of the State Comptroller) --
read twice and ordered printed, and when printed to be committed to
the Committee on Local Government

AN ACT to amend the local finance law, in relation to temporary alterna-
tive methods of financing flood relief expenses

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

1 Section 1. Paragraph a of section 26.10 of the local finance law, as
2 amended by chapter 157 of the laws of 2006, is amended to read as
3 follows:
4 a. Definitions. 1. With respect to any municipality which has a calen-
5 dar fiscal year which commenced on the first day of January, two thou-
6 sand [five] ELEVEN, the terms "extraordinary expenses [for] OF flood
7 relief" and "such extraordinary expenses", as used in this section,
8 shall mean the expenses incurred BEFORE THE FIRST DAY OF JULY, TWO THOU-
9 SAND TWELVE for flood relief projects involving the public thorough-
10 fares, public places and projects of such municipality [during any or
11 all of the months of such year] UNDERTAKEN AS A RESULT OF FLOODING
12 OCCURRING DURING TWO THOUSAND ELEVEN, in excess of the normal expenses
13 which would have been incurred for such purposes during such [periods]
14 PERIOD as determined by the finance board of such municipality [and also
15 any interest payments on revenue anticipation notes issued in antic-
16 ipation of the receipt of moneys from the state or federal government
17 pursuant to any state or federal disaster relief act]. In making any
18 such determination, the finance board shall not include as a part of
19 such extraordinary expenses the salaries and wages of regular employees,
20 except for overtime work and work on Sundays and holidays. SUCH
21 EXTRAORDINARY EXPENSES MAY ALSO INCLUDE ANY INTEREST PAYMENTS ON REVENUE
22 ANTICIPATION NOTES ISSUED IN ANTICIPATION OF THE RECEIPT OF MONEYS FROM
23 THE STATE OR FEDERAL GOVERNMENT AS A RESULT OF SUCH FLOODING PURSUANT TO
24 ANY STATE OR FEDERAL DISASTER RELIEF ACT.
25 2. With respect to any municipality or school district which has a
26 fiscal year which commenced in the year two thousand [five] ELEVEN on or
27 after the first day of March in such year, the terms "extraordinary

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

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1 expenses [for] OF flood relief [projects]" and "such extraordinary
2 expenses", as used in this section, shall mean the expense incurred
3 BEFORE THE FIRST DAY OF JULY, TWO THOUSAND TWELVE for flood relief
4 projects involving the public thoroughfares, public places and projects
5 of such municipality or school district [during such fiscal year] UNDER-
6 TAKEN AS A RESULT OF FLOODING OCCURRING DURING TWO THOUSAND ELEVEN, in
7 excess of the amounts appropriated for such purposes in the annual budg-
8 et for such fiscal year, or, if no such appropriations were made, then
9 in excess of the average of all expenditures for such purposes during
10 each of the five preceding fiscal years prior to the fiscal year
11 commencing in the year two thousand [five] ELEVEN, as determined by the
12 finance board of such municipality or school district.

13 S 2. Subdivisions 1 and 2 of paragraph b of section 26.10 of the local
14 finance law, as amended by chapter 157 of the laws of 2006, are amended
15 to read as follows:

16 1. The finance board of a municipality which has a fiscal year which
17 commenced on the first day of January, two thousand [five] ELEVEN, may
18 authorize the issuance of serial bonds [in the] ON OR BEFORE DECEMBER
19 THIRTY-FIRST two thousand [six fiscal year] TWELVE to provide for the
20 payment of all or part of the extraordinary expenses of flood relief
21 [incurred during any or all of the months of two thousand five], to
22 reimburse any fund or account of the municipality from which moneys to
23 pay such extraordinary expenses have been advanced or to replenish any
24 fund or account of the municipality from which such extraordinary
25 expenses have been paid, or any combination of such purposes, notwith-
26 standing that there may have been lack of statutory authority for any
27 such advance or payment from such fund or account. The period of proba-
28 ble usefulness of such objects or purposes shall be five years. Any such
29 serial bonds shall have a maximum maturity of over two years, but the
30 date of final maturity of any such issue shall not extend beyond [the
31 first day of March in the year two thousand eleven as to counties and
32 towns and shall not extend beyond] the thirty-first day of December, two
33 thousand [eleven, as to other municipalities] SEVENTEEN.

34 2. The finance board of a municipality or school district which has a
35 fiscal year which commenced in the year two thousand [five] ELEVEN on or
36 after the first day of March in such year may authorize the issuance of
37 serial bonds [in the] ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER, two
38 thousand [six fiscal year, or in its next succeeding fiscal year]
39 TWELVE, to provide for the payment of all or part of the extraordinary
40 expenses of flood relief [incurred in the two thousand five fiscal
41 year], to reimburse any fund or account of the municipality or school
42 district from which moneys to pay such extraordinary expenses have been
43 advanced or to replenish any fund or account of the municipality or
44 school district from which such extraordinary expenses have been paid,
45 or any combination of such purposes, notwithstanding that there may have
46 been lack of statutory authority for any such advance or payment from
47 such fund or account. The period of probable usefulness of such objects
48 or purposes shall be five years. Any such serial bonds shall have a
49 maximum maturity of over two years, but the date of final maturity of
50 any such issue shall not extend beyond the thirty-first day of December,
51 two thousand [eleven] SEVENTEEN.

52 S 3. This act shall take effect immediately.