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

7604--A

I N S E N A T E

June 6, 2012

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the Nassau county interim finance authority

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

Section 1. Legislative findings and declaration. The legislature hereby finds and declares that a condition of fiscal difficulties continues to exist in the county of Nassau, as evidenced by the declaration of a control period by the Nassau county interim finance authority (NIFA). In accordance with statutory authority, NIFA has approved the county's 2012-2015 multi-year financial plan which provides for borrowings by the county to finance the payment of property tax refunds through 2014 to facilitate the county's transition to a structurally-balanced budget in 2015. It is hereby further found and declared that the undertaking of such borrowings is in the public interest of the county and the state. It is in the public interest and is the policy of this state to assist municipalities such as the county of Nassau in attempting to provide, without interruption, services essential to their inhabitants while meeting their obligations to the holders of their outstanding securities. The inability of the county of Nassau to finance the payment of property tax refunds would interrupt the provision of essential services to its inhabitants and is a matter of substantial state concern. Permitting the county to utilize pre-existing borrowing authorization will avoid this undesirable result and will allow the county to continue to fund essential services such as those provided by its youth board.

S 2. Paragraph (e) of subdivision 2 of section 3669 of the public authorities law, as added by chapter 84 of the laws of 2000, is amended to read as follows:

(e) The authority shall review the terms of each proposed long-term and short-term borrowing by the county and any covered organization to be effected during any control period, and no such borrowing shall be

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

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made during any control period unless it is approved by the authority, PROVIDED, HOWEVER THAT APPROVAL BY THE AUTHORITY SHALL NOT BE REQUIRED FOR BORROWINGS BY THE COUNTY TO PAY TAX CERTIORARI SETTLEMENTS OR JUDGMENTS OF ANY KIND AUTHORIZED BY BOND ORDINANCES APPROVED BY THE COUNTY PRIOR TO THE AUTHORITY'S DECLARATION OF A CONTROL PERIOD ON JANUARY TWENTY-SIXTH, TWO THOUSAND ELEVEN. Neither the county nor any covered organization shall be prohibited from issuing bonds or notes to pay outstanding bonds or notes.

S 3. Notwithstanding any general, special or local law to the contrary, in the event that the county of Nassau is so authorized, without requiring the approval of the Nassau county interim finance authority, to borrow to pay tax certiorari settlements or judgments of any kind authorized by bond ordinances approved by the county prior to the declaration by the Nassau county interim finance authority of a control period on January 26, 2011, then the county of Nassau shall provide funding for the Nassau county youth board in an amount not less than six million six hundred thousand dollars annually.

S 4. Severability. If any provision of this act or if any application thereof to any person or circumstance is held invalid, the remainder of this act and the application of the provision to other persons and circumstances shall not be affected thereby.

S 5. This act shall take effect immediately; provided, however, that section two of this act shall not take effect until Nassau county implements budgetary savings initiatives which will result in savings of at least one hundred million dollars during the 2012 county fiscal year, and upon such amount being certified by the budget director of the state of New York; and provided further, that the budget director of the state of New York shall notify the legislative bill drafting commission upon the certification required by this section in order that the commission may maintain an accurate and timely effective data base of the official text of the laws of the state of New York in furtherance of effectuating the provisions of section 44 of the legislative law and section 70-b of the public officers law.