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

5018

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. MARTINS -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the general municipal law, in relation to providing that disputes arising between one or more municipalities in relation to water rates shall be subject to arbitration

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

Section 1. Section 111 of the general municipal law, as added by chapter 871 of the laws of 1953, is amended to read as follows:

S 111. Contracts. 1. Two or more municipalities are hereby empowered to enter into a contract to provide for a common supply of water, including joint acquisition, construction, operation and maintenance. Such contract shall provide for the method of acquisition or construction of the common supply; the management and operation of the system; the method of fixing the proportionate share of each participating municipality and of making contributions; the method of making annual adjustments of the proportionate shares of the annual cost and expense; the method of collection of water rates and other charges, and enforcement thereof; the accumulation of reserves; the fixing of rate schedules and other charges; the adoption of rules and regulations covering the operation of the system and the conditions of sale; the adjudication of disputes, INCLUDING ARBITRATION and all other matters necessary to effectuate such an arrangement.

2. AT THE ELECTION OF EITHER PARTY, ANY DISPUTE ARISING BETWEEN ONE OR MORE MUNICIPALITIES IN RELATION TO WATER RATES SHALL BE SUBJECT TO ARBITRATION PURSUANT TO ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES.

S 2. Section 118-a of the general municipal law, as added by chapter 870 of the laws of 1953 and as renumbered by chapter 177 of the laws of 1954, is amended to read as follows:

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

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S 118-a. Contracts. 1. Any municipality authorized herein to develop a supply of water for sale is hereby empowered to enter into contracts for such periods as it may deem necessary but not in excess of forty years. Such contracts [may] SHALL contain provisions for establishment and revision of charges for water, for adjudication of disputes, INCLUDING ARBITRATION and, in return for a guaranteed minimum consumption by the purchaser, for the application of conservation methods by the seller when necessary to preserve such excess.

2. AT THE ELECTION OF EITHER PARTY, ANY DISPUTE ARISING BETWEEN ONE OR MORE MUNICIPALITIES IN RELATION TO WATER RATES SHALL BE SUBJECT TO ARBITRATION PURSUANT TO ARTICLE SEVENTY-FIVE OF THE CIVIL PRACTICE LAW AND RULES.

S 3. This act shall take effect immediately.