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

9579--A

I N A S S E M B L Y

May 9, 2014

Introduced by M. of A. BRINDISI -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- 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 issuance of bonds and notes of the upper Mohawk valley regional water finance authority and to amend the maximum aggregate principal amount limitation

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

Section 1. Subdivision 1 of section 1226-l of the public authorities law, as added by chapter 647 of the laws of 1994, is amended to read as follows:

1. The authority shall have the power and is hereby authorized from time to time to issue bonds, notes or other obligations to pay the cost of any project or for any other corporate purpose, including the establishment of reserves to secure the bonds, the payment of principal of, premium, if any, and interest on the bonds and the payment of incidental expenses in connection therewith.

(A) The aggregate principal amount of such bonds, notes or other obligations shall not exceed one hundred FIFTY million dollars [($100,000,000)] ($150,000,000), excluding bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued for such purposes; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than one hundred FIFTY million dollars [($100,000,000)] ($150,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid.

(B) PROVIDED FURTHER THAT NO SUCH BONDS, NOTES OR OTHER OBLIGATIONS THAT SUCH BOARD HAS DETERMINED TO BE REASONABLY NECESSARY TO SERVICE

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

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MANUFACTURING FACILITIES CONSTRUCTED OR TO BE CONSTRUCTED IN THE SERVICE AREA AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN SHALL BE ISSUED IF SUCH ISSUANCE WOULD CAUSE THE AGGREGATE PRINCIPAL AMOUNT OF SUCH BONDS, NOTES OR OTHER OBLIGATIONS OUTSTANDING TO EXCEED ONE HUNDRED FIFTY MILLION DOLLARS. PROVIDED, HOWEVER, THAT UPON ANY SUCH REFUNDING OR REPAYMENT THE TOTAL AGGREGATE PRINCIPAL AMOUNT OF OUTSTANDING BONDS, NOTES OR OTHER OBLIGATIONS MAY BE GREATER THAN ONE HUNDRED MILLION FIFTY DOLLARS ($150,000,000) ONLY IF THE PRESENT VALUE OF THE AGGREGATE DEBT SERVICE OF THE REFUNDING OR REPAYMENT BONDS, NOTES OR OTHER OBLIGATIONS TO BE ISSUED SHALL NOT EXCEED THE PRESENT VALUE OF THE AGGREGATE DEBT SERVICE OF THE BONDS, NOTES OR OTHER OBLIGATIONS SO TO BE REFUNDED OR REPAID.

For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. The authority shall have power and is hereby authorized to enter into such agreements and perform such acts as may be required under any applicable federal legislation to secure a federal guarantee of any bonds.

S 2. This act shall take effect immediately.