

S. 5784

A. 7984

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

June 3, 2015

---

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

IN ASSEMBLY -- Introduced by M. of A. THIELE, PALUMBO -- read once and referred to the Committee on Local Governments

AN ACT to amend the local finance law, in relation to refunding bonds issued by a municipality authorized to create a community preservation fund

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

1     Section 1. Subdivisions 2 and 4 of paragraph a and subdivision 3 of  
2     paragraph f of section 90.00 of the local finance law, subdivision 2 of  
3     paragraph a as added by section 8 of part F of chapter 383 of the laws  
4     of 2001, subdivision 4 of paragraph a as amended by chapter 1034 of the  
5     laws of 1960 and subdivision 3 of paragraph f as amended by chapter 711  
6     of the laws of 1943, are amended to read as follows:  
7     2. Notwithstanding the provisions of subdivision one of this para-  
8     graph[,]: (A) bonds issued by a school district prior to December first  
9     two thousand one, or prior to thirty days after the effective date of  
10    this subdivision, whichever is later, for the purpose of financing  
11    facilities which were eligible for building aid pursuant to section  
12    thirty-six hundred two of the education law, and for which the aid  
13    apportionments payable in two thousand two--two thousand three and/or  
14    two thousand three--two thousand four school years for approved expendi-  
15    tures for debt service are subsequently reduced as a result of the  
16    application of assumed amortization to unpaid principal outstanding as  
17    of July first, two thousand two, may be refunded and the refunding bonds  
18    may be sold at either public or private sale in accordance with the  
19    provisions of section 90.10 of this title; provided, however, the school  
20    district need not comply with: (i) subparagraph (a) of subdivision two

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

LBD11306-03-5

1 of paragraph b of section 90.10 of this title; and (ii) if the bonds to  
2 be refunded are to be redeemed or paid on the same date as the refunding  
3 bonds are issued, the school district need not comply with the  
4 provisions of section 90.10 of this title relating to the escrow of the  
5 proceeds of the sale of the refunding bonds; AND (B) BONDS ISSUED BY A  
6 MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT  
7 TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE  
8 PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR  
9 FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E  
10 OF THE TOWN LAW MAY BE REFUNDED AND THE REFUNDING BONDS MAY BE SOLD AT  
11 EITHER PUBLIC OR PRIVATE SALE IN ACCORDANCE WITH THE PROVISIONS OF  
12 SECTION 90.10 OF THIS TITLE; PROVIDED, HOWEVER, THE MUNICIPALITY NEED  
13 NOT COMPLY WITH: (I) SUBPARAGRAPH (A) OF SUBDIVISION TWO OF PARAGRAPH B  
14 OF SECTION 90.10 OF THIS TITLE; AND (II) IF THE BONDS TO BE REFUNDED ARE  
15 TO BE REDEEMED OR PAID ON THE SAME DATE AS THE REFUNDING BONDS ARE  
16 ISSUED, THE MUNICIPALITY NEED NOT COMPLY WITH THE PROVISIONS OF SECTION  
17 90.10 OF THIS TITLE RELATING TO THE ESCROW OF THE PROCEEDS OF THE SALE  
18 OF THE REFUNDING BONDS.

19 4. If a budgetary appropriation has been made for the payment of the  
20 principal on bonds, such maturity shall not be included in a refunding  
21 bond issue; PROVIDED, HOWEVER, THIS SUBDIVISION SHALL NOT APPLY TO  
22 REFUNDING BONDS ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNI-  
23 TY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E  
24 OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION  
25 WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR  
26 OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

27 3. If the bonds to be refunded are bonds which were issued on or after  
28 January first, nineteen hundred thirty-nine, other than bonds issued to  
29 redeem notes, certificates or other evidences of temporary indebtedness  
30 issued prior to January first, nineteen hundred thirty-nine, in antic-  
31 ipation of such bonds, a statement of the maximum period of probable  
32 usefulness, at the time of the issuance of the bonds to be refunded OR  
33 AS MAY BE PROVIDED BY RESOLUTION OR RESOLUTION SUBJECT TO PERMISSIVE  
34 REFERENDUM, BY THE GOVERNING BODY OF THE MUNICIPALITY AND CONSISTENT  
35 WITH SECTION 11.00 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW,  
36 of the object or purpose for which such bonds were issued.

37 S 2. Subdivision 2 of paragraph b of section 90.10 of the local  
38 finance law is amended by adding a new subparagraph (f) to read as  
39 follows:

40 (F) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (A) OF THIS SUBDI-  
41 VISION, A MUNICIPALITY MAY ALSO ISSUE REFUNDING BONDS TO REFUND BONDS IF  
42 THE BONDS WERE ISSUED BY A MUNICIPALITY AUTHORIZED TO CREATE A COMMUNITY  
43 PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF SECTION SIXTY-FOUR-E OF  
44 THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION  
45 WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR  
46 OF SECTION SIXTY-FOUR-E OF THE TOWN LAW.

47 S 3. Subdivisions 4 and 5 of paragraph e of section 90.10 of the local  
48 finance law, subdivision 4 as added by chapter 264 of the laws of 1977  
49 and subdivision 5 as amended by chapter 201 of the laws of 1978, are  
50 amended to read as follows:

51 4. A statement of the maximum period or periods of probable usefulness  
52 permitted by law at the time of the issuance of the bonds to be refunded  
53 for the object or purpose or objects or purposes for which such bonds to  
54 be refunded were issued. NOTWITHSTANDING THE ABOVE, THE PERIOD OR PERI-  
55 ODS OF PROBABLE USEFULNESS FOR BONDS ISSUED BY A MUNICIPALITY AUTHORIZED  
56 TO CREATE A COMMUNITY PRESERVATION FUND PURSUANT TO SUBDIVISION TWO OF

SECTION SIXTY-FOUR-E OF THE TOWN LAW AND FOR THE PURPOSE OF FINANCING COMMUNITY PRESERVATION WHICH WERE ELIGIBLE FOR FUNDING PURSUANT TO SUBDIVISIONS THREE AND FOUR OF SECTION SIXTY-FOUR-E OF THE TOWN LAW SHALL NOT BE LIMITED TO THE PERIOD OF PROBABLE USEFULNESS AT THE TIME OF ISSUANCE OF THE BOND TO BE REFUNDED BUT RATHER THE STATEMENT OF PERIOD OR PERIODS OF PROBABLE USEFULNESS REQUIRED IN THIS SUBDIVISION MAY INCLUDE AN EXTENSION OF SUCH PERIOD OF TIME SET FORTH IN SECTION 11.00 OF THIS ARTICLE OR SUCH OTHER GENERAL OR SPECIAL LAW.

5. The financial plan for the refunding proposed, showing the sources and amounts of all moneys required to accomplish such refunding, and except where such refunding bonds are issued by the city of New York OR MUNICIPALITY pursuant to subparagraph (b) OR (F) of subdivision two of paragraph b of this section, RESPECTIVELY, an estimate of the present value of the total debt service savings anticipated, computed in accordance with subparagraph (a) of subdivision two of paragraph b of this section.

S 4. Paragraph g of section 90.10 of the local finance law, as amended by chapter 201 of the laws of 1978, is amended to read as follows:

g. Except where such refunding bonds are issued by the city of New York pursuant to subparagraph (b) of subdivision two of paragraph b of this section OR ISSUED PURSUANT TO SUBPARAGRAPH (F) OF SUBDIVISION TWO OF PARAGRAPH B OF THIS SECTION WHERE SUCH REFUNDING BONDS ARE ISSUED BY A MUNICIPALITY, no refunding bonds shall be issued pursuant to this section unless the chief fiscal officer of the issuer shall have first filed with the finance board a certificate, approved by the state comptroller, which shall be final and conclusive upon all parties, setting forth the present value of the total debt service savings to the issuer resulting from the issuance of the refunding bonds computed in accordance with the provisions of subparagraph (a) of subdivision two of paragraph b of this section, except that the actual amount, rather than an estimate, of the amount of accrued interest to be paid on such bonds shall be used in determining the effective interest cost thereof. The certificate shall be in the form and shall contain such information as shall be prescribed by the state comptroller. The certificate shall not be approved until ten days after the filing of such certificate in the office of the state comptroller.

S 5. Clause (b) of subdivision 21 of paragraph a of section 11.00 of the local finance law, as amended by chapter 837 of the laws of 1945, is amended to read as follows:

(b) The financing of the acquisition of land, permanent rights in land or temporary easements in land incidental to a capital improvement, inclusive of any administrative or other expenditures arising therefrom or related thereto, if such acquisition and expenditures are financed from a fund into which are paid the proceeds of the sale of bonds or bond anticipation notes issued in anticipation of such bonds and out of which the cost of such acquisition and such expenditures are paid, thirty years. NOTWITHSTANDING THE PROVISIONS OF THIS SUBDIVISION, THE ACQUISITION OF LAND OR PERMANENT RIGHTS IN LAND AND THE FINANCING OF THE ACQUISITION AS SET FORTH IN THIS SUBDIVISION MADE PURSUANT TO SECTION SIXTY-FOUR-E OF THE TOWN LAW SHALL HAVE A PERIOD OF PROBABLE USEFULNESS OF FIFTY YEARS AND TO THE EXTENT THAT THE ORIGINAL PERIOD OF PROBABLE USEFULNESS WAS SET BY RESOLUTION AND/OR RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM, SUCH MUNICIPALITY MAY AMEND THE PERIOD OF PROBABLE USEFULNESS BY RESOLUTION OF THE GOVERNING BODY IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

S 6. This act shall take effect immediately.