STATE OF NEW YORK

5467--A

2017-2018 Regular Sessions

IN ASSEMBLY

February 9, 2017

Introduced by M. of A. ENGLEBRIGHT, GOTTFRIED, GALEF, THIELE, LAVINE, HOOPER, BRAUNSTEIN, GUNTHER, MOSLEY, JAFFEE, HEVESI, LIFTON, D'URSO, NIOU, PEOPLES-STOKES, ZEBROWSKI, COOK, HUNTER, ABINANTI, SIMON, GJONAJ, HYNDMAN, JONES, BLAKE, RIVERA, GLICK, ORTIZ, JEAN-PIERRE, HARRIS, STECK, JENNE, SANTABARBARA, AUBRY, SKARTADOS, RAIA -- Multi-Sponsored by -- M. of A. CARROLL, LENTOL, NOLAN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the creation of a state debt in the amount of five billion dollars, in relation to creating the "clean water bond act of 2018" to provide moneys for the preservation, enhancement, restoration and improvement of the quality of the state's water through the funding of certain projects and activities; and providing for the submission to the people of a proposition or question therefor to be voted upon at the general election to be held in November, two thousand eighteen

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The clean water bond act of 2018 is enacted to read as follows:

CLEAN WATER BOND ACT OF 2018

Section 1. Short title.
2. Creation of a state debt.
3. Bonds of the state.
4. Use of moneys received.

§ 1. Short title. This act shall be known and may be cited as the "clean water bond act of 2018".

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

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§ 2. Creation of a state debt. The creation of a state debt to an amount not exceeding in the aggregate five billion dollars ($5,000,000,000), is hereby authorized to provide moneys for the single purpose of preserving, enhancing, restoring and improving the quality of the state's water by the accomplishment of projects and the funding of activities by state agencies, public authorities and public benefit corporations, municipalities, and other governmental entities and not-for-profit corporations for and related to protecting, improving and enhancing the quality of drinking water and enhancement of water bodies; by providing funds for water quality related research and development; for repairing, replacing and updating municipal wastewater, stormwater and drinking water infrastructure; and for restoring and improving contaminated areas and returning those to productive use; for improving environmental health.

The legislature may, by appropriate legislation and subject to such conditions as it may impose, make available out of the proceeds of the sale of bonds authorized in section three of this act, moneys disbursed or to be disbursed for state programs or state assistance payments toward the cost of such programs undertaken by or through a state or local public authority or public benefit corporation, not-for-profit corporation, county, city, town, village, school district, supervisory district, district corporation, improvement district within a county, city, town, village, or Indian tribe residing in whole or in part within the state, or any combination thereof, for the purpose of preserving, enhancing, restoring and improving the quality of the state's environment and natural resources. Provided however, that funds expended from moneys derived from the sale of bonds authorized in section three of this act that are later recovered under a state or federal superfund or through other means from polluters shall be repaid to satisfy any state debt created pursuant to this act.

§ 3. Bonds of the state. The state comptroller is hereby authorized and empowered to issue and sell bonds of the state to the amount of five billion dollars ($5,000,000,000), for the purpose of this act, subject to the provisions of article 5 of the state finance law.

The aggregate principal amount of such bonds shall not exceed five billion dollars ($5,000,000,000), excluding bonds issued to refund or otherwise repay bonds theretofore issued for such purpose; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds may be greater than five billion dollars ($5,000,000,000), only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. The method for calculating present value shall be determined by law. Any funds expended from moneys derived from the sale of bonds pursuant to this section that are subsequently recovered under state or federal superfund or other methods from polluters shall be used to repay the bonds.

§ 4. Use of moneys received. The moneys received by the state from the sale of bonds sold pursuant to this act shall be expended pursuant to appropriations to further fund the clean water infrastructure act of 2017 including, but not limited to, funds for the water infrastructure improvement act of 2017, water quality improvement projects, source water protection, septic system replacement and mitigation of water systems to reduce exposure to emerging contaminants.

§ 2. This act shall not take effect unless and until it shall have been submitted to the people at the general election to be held in

November, and shall have received a majority of all votes cast for and against it at such election. Upon approval by the people, this act shall take effect immediately.

The ballots to be furnished for the use of voters upon submission of this act shall be in the form prescribed by the election law and the proposition or question to be submitted shall be printed thereon in substantially the following form, namely, "Shall chapter (here insert the number of the chapter) of the laws of 2018, known as the clean water bond act of 2018, authorizing the creation of a state debt in the amount of five billion dollars ($5,000,000,000), to provide moneys for the enhancing of drinking water quality, and the preservation and restoration of the state's water resources be approved?".