

# STATE OF NEW YORK

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6471--A

2017-2018 Regular Sessions

## IN SENATE

May 23, 2017

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Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, the public housing law, the state finance law, chapter 585 of the laws of 1939, relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims and the New York city health and hospitals corporation act, in relation to rates of interest paid by certain governmental entities on judgments and accrued claims

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

1 Section 1. Subdivision 1 of section 3-a of the general municipal law,  
2 as amended by chapter 4 of the laws of 1991, is amended to read as  
3 follows:

4 1. Except as provided in subdivisions two, four and five of this  
5 section, the rate of interest to be paid by a municipal corporation upon  
6 any judgment or accrued claim against the municipal corporation shall  
7 not exceed the lower of nine per centum per annum or a rate equal to the  
8 weekly average one-year constant maturity treasury yield, as published  
9 by the board of governors of the federal reserve system, for the calen-  
10 dar week preceding the date of the entry of the judgment.

11 § 2. Subdivision 2 of section 3-a of the general municipal law, as  
12 amended by chapter 777 of the laws of 1978, is amended to read as  
13 follows:

14 2. The rate of interest to be paid upon any judgment or accrued claim  
15 against the municipal corporation arising out of condemnation  
16 proceedings or action to recover damages for wrongful death shall not  
17 exceed the lower of six per centum per annum or a rate equal to the  
18 weekly average one-year constant maturity treasury yield, as published

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

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1 by the board of governors of the federal reserve system, for the calen-  
2 dar week preceding the date of the entry of the judgment.

3 § 3. Subdivision 5 of section 157 of the public housing law, as  
4 amended by chapter 681 of the laws of 1982, is amended to read as  
5 follows:

6 5. The rate of interest to be paid by an authority upon any judgment  
7 or accrued claim against the authority shall not exceed the lower of  
8 nine per centum per annum or a rate equal to the weekly average one-year  
9 constant maturity treasury yield, as published by the board of governors  
10 of the federal reserve system, for the calendar week preceding the date  
11 of the entry of the judgment.

12 § 4. Section 16 of the state finance law, as amended by chapter 681 of  
13 the laws of 1982, is amended to read as follows:

14 § 16. Rate of interest on judgments and accrued claims against the  
15 state. The rate of interest to be paid by the state upon any judgment  
16 or accrued claim against the state shall not exceed the lower of nine  
17 per centum per annum or a rate equal to the weekly average one-year  
18 constant maturity treasury yield, as published by the board of governors  
19 of the federal reserve system, for the calendar week preceding the date  
20 of the entry of the judgment.

21 § 5. Section 1 of chapter 585 of the laws of 1939, relating to the  
22 rate of interest to be paid by certain public corporations upon judg-  
23 ments and accrued claims, as amended by chapter 681 of the laws of 1982,  
24 is amended to read as follows:

25 Section 1. The rate of interest to be paid by a public corporation  
26 upon any judgment or accrued claim against the public corporation shall  
27 not exceed the lower of nine per centum per annum or a rate equal to the  
28 weekly average one-year constant maturity treasury yield, as published  
29 by the board of governors of the federal reserve system, for the calen-  
30 dar week preceding the date of the entry of the judgment. The term  
31 "public corporation" as used in this act shall mean and include every  
32 corporation created for the construction of public improvements, other  
33 than a county, city, town, village, school district or fire district or  
34 an improvement district established in a town or towns, and possessing  
35 both the power to contract indebtedness and the power to collect  
36 rentals, charges, rates or fees for services or facilities furnished or  
37 supplied.

38 § 6. Subdivision 5 of section 20 of section 1 of chapter 1016 of the  
39 laws of 1969, constituting the New York city health and hospitals corpo-  
40 ration act, as amended by chapter 877 of the laws of 1973, is amended to  
41 read as follows:

42 5. Except as hereinafter provided in this subdivision, the rate of  
43 interest to be paid by the corporation upon any judgment or accrued  
44 claim against the corporation shall not exceed the lower of three per  
45 centum per annum or a rate equal to the weekly average one-year constant  
46 maturity treasury yield, as published by the board of governors of the  
47 federal reserve system, for the calendar week preceding the date of the  
48 entry of the judgment. The rate of interest to be paid upon any judg-  
49 ment or accrued claim against the corporation arising out of an action  
50 to recover damages for wrongful death shall not exceed the lower of six  
51 per centum per annum or a rate equal to the weekly average one-year  
52 constant maturity treasury yield, as published by the board of governors  
53 of the federal reserve system, for the calendar week preceding the date  
54 of the entry of the judgment.

55 § 7. This act shall take effect immediately and shall apply to all  
56 judgments entered and all accrued claims paid on or after such date.