

# STATE OF NEW YORK

9408

## IN ASSEMBLY

March 2, 2022

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

AN ACT to amend the general municipal law, in relation to removing the requirement that where a municipal corporation, school district or district corporation issues indebtedness to finance the cost of preparation of plans and specifications for a proposed capital improvement, there must be a waiting period of at least one year before authorizing the undertaking of the capital improvement

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

1 Section 1. Subdivisions 2, 3 and 4 of section 99-d of the general  
2 municipal law, subdivision 2 as amended by chapter 889 of the laws of  
3 1981, subdivisions 3 and 4 as added by chapter 735 of the laws of 1960,  
4 are amended to read as follows:

5 2. [~~Where the cost of such advance planning of a capital improvement  
6 is financed by the issuance of bonds or capital notes and where the  
7 period of probable usefulness specified by subdivision sixty-two of  
8 paragraph a of section 11.00 of the local finance law is applicable, the  
9 municipal corporation, school district or district corporation shall not  
10 have power to authorize the undertaking of the capital improvement until  
11 at least one year after the original issuance of such obligations,  
12 provided, however, that when bond anticipation notes shall have been  
13 issued prior to such bonds, such one year period shall be computed from  
14 the date of such bond anticipation notes.~~

15 3.] The total amount of bonds or capital notes which may be authorized  
16 in any fiscal year of the municipal corporation, school district or  
17 district corporation to finance such advance planning pursuant to this  
18 section shall not exceed the maximum amount of budget notes which it may  
19 issue in such year pursuant to subdivision two or subdivision three of  
20 paragraph a of section 29.00 of the local finance law, as the case may  
21 be, provided, however, that for the purposes of this subdivision,  
22 amounts which are to be paid in the first instance from improvement  
23 district assessments shall be included in computing "the amount of the

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

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1 annual budget" of a town or a county in accordance with section 29.00 of  
2 such law.

3 [~~4~~] 3. If the advance planning is undertaken for the purpose of an  
4 existing or proposed county or town improvement district, or any exten-  
5 sion thereof, the existing district, or the proposed district when  
6 created, or the extension thereof, shall reimburse the county or town  
7 for the cost of such advance planning, including any interest on any  
8 obligations issued to finance such cost. The amount so reimbursed shall  
9 be applied first to the payment of any outstanding obligations issued to  
10 finance such expenditure.

11 § 2. This act shall take effect immediately.