

STATE OF NEW YORK

1058

2021-2022 Regular Sessions

IN SENATE

January 6, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to communications union districts

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

Section 1. The public service law is amended by adding a new article 12 to read as follows:

ARTICLE 12

COMMUNICATIONS UNION DISTRICTS

Section 250. Definitions.

251. Formation.

252. District composition.

253. Creation; duration; noncontestability.

254. District powers.

255. Communications plant; sites.

256. Limitations; taxes; indebtedness.

257. Board authority.

258. Board composition.

259. Appointment.

260. Organizational meeting.

261. Quorum.

262. Voting.

263. Term.

264. Vacancy.

265. Compensation of representatives.

266. Officers; bond.

267. Clerk.

268. Treasurer.

269. Audit.

270. Committees.

271. Compensation of officers.

272. Recall of officers.

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

LBD06462-01-1

273. Fiscal year.

274. Budget.

275. Indebtedness.

276. Pledge of revenues

277. Sinking and reserve funds.

278. Service fees.

279. Special meetings.

280. Withdrawal of a member municipality.

281. Admission of district members.

282. Dissolution.

§ 250. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Communications plant" means any and all parts of any communications system owned by a district, whether using wires, cables, fiber optics, wireless, other technologies, or a combination thereof, and used for the purpose of transporting or storing information, in whatever forms, directions, and media, together with any improvements thereto constructed or acquired, and all other facilities, equipment, and appurtenances necessary or appropriate to such system. The term "communications plant" and any regulatory implications or any restrictions under this article regarding a "communications plant" shall not apply to facilities or portions of any communications facilities intended for use by, and solely used by, a district member and its own officers and employees in the operation of municipal departments or systems of which such communications are merely an ancillary component.

2. "Communications plant improvements" shall mean improvements that may be used for the benefit of the public, whether or not publicly owned or operated.

3. "Communications union district" or "district" means a collection of two or more contiguous municipalities or communities that agree to jointly operate a communications plant to all residents of such municipalities, as provided under this article.

4. "District member" or "member" means a municipality that elects to form or join a communications union district under this article.

5. "Governing board" or "board" means the governing board of the communications union district as established under this article.

6. "Long-term contract" means an agreement in which a district incurs direct or conditional obligations for which the costs are too great to be paid out of the ordinary annual income and revenues of such district, in the judgment of the board.

7. "Municipality" means any county, city, town, or village.

§ 251. Formation. 1. Any two or more contiguous municipalities in this state shall be permitted to form a communications union district for the delivery of communications services and the operation of a communications plant, which district shall be a body politic and corporate.

2. A municipality electing to form a district under this article shall submit to the eligible voters of such municipality at an annual or special meeting a proposition in substantially the following form:

"Shall the (town/village/city) of (name of municipality) enter into a communications union district to be known as (name of proposed district), under the provisions of article 12 of the public service law?"

3. Additional municipalities may be admitted to the district in the manner provided in section two hundred eighty-one of this article.

§ 252. District composition. A district formed under this article shall be composed of and include all lands and residents within its

1 member municipalities, and any other municipality subsequently admitted
2 to such district as provided in this article, except for any munici-
3 palties that withdraw as provided in this article. Registered voters
4 in each member municipality shall be eligible to vote in all district
5 meetings, but only district member representatives shall be eligible to
6 vote in meetings of the district's governing board.

7 § 253. Creation; duration; noncontestability. 1. Following the organ-
8 izational meeting held pursuant to section two hundred sixty of this
9 article, a district's governing board shall cause to be filed with the
10 state board of elections a certificate attesting to the vote conducted
11 under subdivision two of section two hundred fifty-one of this article.

12 2. A district formed under this article shall continue as a body poli-
13 tic and corporate unless and until dissolved according to the procedures
14 set forth in this article.

15 3. An action shall not be brought directly or indirectly challenging,
16 questioning, or in any manner contesting the legality of the formation,
17 or the existence as a body corporate and politic of any communications
18 union district created under this article after six months from the date
19 of the recording in the state board of elections of the certificate
20 required by subdivision one of this section. An action shall not be
21 brought directly or indirectly challenging, questioning, or in any
22 manner contesting the legality or validity of any bonds issued to defray
23 costs of communications plant improvements approved by the board, after
24 six months from the date upon which the board voted affirmatively to
25 issue such bonds.

26 4. This section shall be liberally construed to serve the legislative
27 purpose to validate and make certain the legal existence of all communi-
28 cations union districts in this state and the validity of bonds issued
29 or authorized for communications plant improvements, and to bar every
30 remedy therefor notwithstanding any defects or irregularities, jurisdic-
31 tional or otherwise, after expiration of the six-month period. The
32 provisions of this subdivision and subdivision three of this section
33 shall also apply to financial contracts directly related to the
34 district's bonding authority.

35 5. To the extent a district constructs communications infrastructure
36 with the intent of providing communications services, such district
37 shall ensure that any and all losses from such services, or in the event
38 such services are abandoned or curtailed, any and all costs associated
39 with the investment in communications infrastructure, shall be not borne
40 by the taxpayers of district members.

41 § 254. District powers. Subject to the limitations and restrictions
42 set forth in section two hundred fifty-six of this article, a district
43 created under this article shall have the power to:

44 1. operate, cause to be operated, or contract for the construction,
45 ownership, management, financing, and operation of a communications
46 plant for the delivery of communications services;

47 2. purchase, sell, lease, own, acquire, convey, mortgage, improve, and
48 use real and personal property in connection with its purpose;

49 3. hire and fix the compensation and terms of employment of employees;

50 4. sue and be sued;

51 5. enter into contracts for any term or duration;

52 6. contract with architects, engineers, financial and legal consult-
53 ants, and others for professional services;

54 7. contract with individuals, corporations, associations, authorities,
55 and agencies for services and property, including the assumption of the
56 liabilities and assets thereof;

1 8. provide communications services for its district members, including
2 the residential and business locations located therein; and to provide
3 communications services for such other residential and business
4 locations as its facilities and obligations may allow, provided such
5 other locations shall be in a municipality that is contiguous with the
6 municipal limits of a district member;

7 9. contract with the state of New York, the United States, or any
8 subdivision or agency thereof for services, assistance, or joint
9 ventures;

10 10. contract with any municipality for the services of any officers or
11 employees of such municipality;

12 11. promote cooperative arrangements and coordinated action among its
13 members and other public and private entities;

14 12. make recommendations for review and action to its members and
15 other public agencies which perform functions within the region in which
16 its members are located;

17 13. exercise any other powers which are necessary or desirable for
18 dealing with communications matters of mutual concern and that are exer-
19 cised or are capable of exercise by any of its members;

20 14. enter into financing agreements authorized under law, or alterna-
21 tive means of financing capital improvements and operations authorized
22 under law;

23 15. establish a budget to provide for the funding thereof out of
24 general revenue of the district;

25 16. appropriate and expend monies;

26 17. establish sinking and reserve funds for retiring and securing its
27 obligations;

28 18. establish capital reserve funds and make appropriations thereto
29 for communications plant improvements and the financing thereof;

30 19. enact and enforce any and all necessary or desirable bylaws for
31 the orderly conduct of its affairs for carrying out its communications
32 purpose and for protection of its communications property;

33 20. solicit, accept, and administer gifts, grants, and bequests in
34 trust or otherwise for its purpose;

35 21. exercise all powers incident to a public corporation;

36 22. adopt a name under which it shall be known and shall conduct busi-
37 ness; and

38 23. establish an effective date of its creation.

39 § 255. Communications plant; sites. Each member shall make available
40 for lease to the district one or more sites for a communications plant
41 or components thereof within such member municipality.

42 § 256. Limitations; taxes; indebtedness. 1. Notwithstanding any grant
43 of authority in this article to the contrary, a district shall not
44 accept funds generated by a member's taxing or assessment power.

45 2. Notwithstanding any grant of authority in this article to the
46 contrary, a district shall not have the power to levy, assess, appor-
47 tion, or collect any tax upon property within such district, nor upon
48 any of its members, without specific authorization of the state legisla-
49 ture.

50 3. Notwithstanding any grant of authority in this article to the
51 contrary, every issue of a district's notes and bonds shall be payable
52 only out of any revenues or monies of such district.

53 § 257. Board authority. The legislative power and authority of a
54 district and the administration and the general supervision of all
55 fiscal, prudential, and governmental affairs of such district shall be

1 vested in a legislative body known as the governing board, except as
2 specifically provided otherwise in this article.

3 § 258. Board composition. A district governing board shall be composed
4 of one representative from each member and one or more alternates to
5 serve in the absence of such designated representative.

6 § 259. Appointment. Annually on or before the last Monday in April
7 commencing in the year following the date of a district's creation, the
8 legislative body of each member shall appoint a representative and one
9 or more alternates to the governing board for one-year terms. Appoint-
10 ments of representatives and alternates shall be in writing, signed by
11 the chair of the legislative body of the appointing member, and
12 presented to the clerk of the district. The legislative body of a
13 member, by majority vote, may replace its appointed representative or
14 alternate at any time and shall promptly notify the district clerk of
15 such replacement.

16 § 260. Organizational meeting. Annually, on the second Tuesday in May
17 following the appointments contemplated pursuant to section two hundred
18 fifty-nine of this article, the board shall hold its organizational
19 meeting. At such meeting, the board shall elect from among its appointed
20 representatives a chair and a vice chair, each of whom shall hold office
21 for one year and until his or her successor is duly elected.

22 § 261. Quorum. For the purpose of transacting business, the presence
23 of delegates or alternates representing more than fifty percent of
24 district members shall constitute a quorum. Notwithstanding such
25 requirement, a smaller number may adjourn to another date. Any action
26 adopted by a majority of the votes cast at a meeting of the board at
27 which a quorum is present shall be the action of the board, except as
28 otherwise provided in this article.

29 § 262. Voting. Each district member's delegation shall be entitled to
30 cast one vote.

31 § 263. Term. Unless replaced in the manner provided in section two
32 hundred fifty-nine of this article, a representative on a governing
33 board shall hold office until his or her successor is duly appointed.
34 Any representative or alternate may be reappointed to successive terms
35 without limit.

36 § 264. Vacancy. Any vacancy on a board shall be filled within thirty
37 days after such vacancy occurs by appointment by the authority which
38 appointed the representative or alternate whose position has become
39 vacant. An appointee to a vacancy shall serve until the expiration of
40 the term of the representative or alternate to whose position the
41 appointment was made and may thereafter be reappointed.

42 § 265. Compensation of representatives. Each district member may reim-
43 burse its representative to the governing board for expenses as it
44 determines reasonable, except as provided in section two hundred seven-
45 ty-one of this article with respect to district officers.

46 § 266. Officers; bond. 1. The officers of a district shall be composed
47 of the chair and the vice chair of the board, the clerk of the district,
48 and the treasurer of the district. Prior to assuming their offices,
49 officers may be required to post bond in such amounts as shall be deter-
50 mined by resolution of the board. The cost of such bond shall be borne
51 by the district.

52 2. The chair shall preside at all meetings of the board and shall make
53 and sign all contracts on behalf of the district upon approval by the
54 board. The chair shall perform all duties incident to the position and
55 office as required by the laws of the state.

1 3. During the absence of or inability of the chair to render or
2 perform his or her duties or exercise his or her powers, the same shall
3 be performed and exercised by the vice chair and when so acting, the
4 vice chair shall have all the powers and be subject to all the responsi-
5 bilities hereby given to or imposed upon the chair.

6 4. During the absence or inability of the vice chair to render or
7 perform his or her duties or exercise his or her powers, the board shall
8 elect from among its membership an acting vice chair who shall have the
9 powers and be subject to all the responsibilities given or imposed upon
10 the vice chair by this article.

11 5. Upon the death, disability, resignation, or removal of the chair or
12 vice chair, the board shall elect a successor to such vacant office
13 until the next annual meeting.

14 § 267. Clerk. The clerk of a district shall be appointed by the board,
15 and shall serve at its pleasure. The clerk shall not be required to be a
16 member of the governing board. The clerk shall have the exclusive charge
17 and custody of the records of the district and the seal of the district.
18 The clerk shall record all votes and proceedings of the district,
19 including district and board meetings, and shall prepare and cause to be
20 posted and published all warnings of meetings of such meetings. Follow-
21 ing approval by the board, the clerk shall cause the annual report to be
22 distributed to the legislative bodies of the district members. The clerk
23 shall prepare and distribute any other reports required by state law and
24 resolutions or regulations of the board. The clerk shall perform all
25 duties and functions incident to the office of secretary or clerk of a
26 body corporate.

27 § 268. Treasurer. The treasurer of a district shall be appointed by
28 the board, and shall serve at its pleasure. The treasurer shall not be a
29 member of the governing board. The treasurer shall have the exclusive
30 charge and custody of the funds of the district and shall be the
31 disbursing officer of the district. When authorized by the board, the
32 treasurer may sign, make, or endorse in the name of the district all
33 checks and orders for the payment of money and pay out and disburse the
34 same and receipt therefor. The treasurer shall keep a record of every
35 obligation issued and contract entered into by the district and of every
36 payment thereon. The treasurer shall keep correct books of account of
37 all the business and transactions of the district and such other books
38 and accounts as the board may require. The treasurer shall render a
39 statement of the condition of the finances of the district at each regu-
40 lar meeting of the board and at such other times as shall be required of
41 the treasurer. The treasurer shall prepare the annual financial state-
42 ment and the budget of the district for distribution, upon approval of
43 the board, to the legislative bodies of district members. The treasurer
44 shall do and perform all of the duties required for the office of treas-
45 urer of a body politic and corporate. Upon removal or the treasurer's
46 termination from office by virtue of removal or resignation, the treas-
47 urer shall immediately pay over to his or her successor all of the funds
48 belonging to the district and deliver to such successor all official
49 books and papers.

50 § 269. Audit. Once a district becomes operational, the board shall
51 cause an audit of the financial condition of the district to be
52 performed annually by an independent professional accounting firm.

53 § 270. Committees. The board shall have authority to establish one or
54 more committees and grant and delegate to such committees such powers as
55 it deems necessary. Members of an executive committee shall serve stag-

1 gered terms and shall be board members. Membership on other committees
2 established by the board shall not be restricted to board members.

3 § 271. Compensation of officers. Officers of a district shall be paid
4 from district funds such compensation or reimbursement of expenses, or
5 both, as determined by the board.

6 § 272. Recall of officers. An officer may be removed by a two-thirds
7 vote of the board whenever, in its judgment, the best interest of the
8 district shall be served by such removal.

9 § 273. Fiscal year. The fiscal year of a district shall commence on
10 January first and end on December thirty-first of each year.

11 § 274. Budget. 1. Annually, on or before October twenty-first, a board
12 shall approve and cause to be distributed to the legislative body of
13 each district member for review and comment an annual report of its
14 activities, together with a financial statement, a proposed district
15 budget for the following fiscal year, and a forecast presenting antic-
16 ipated year-end results. Such proposed budget shall include reasonably
17 detailed estimates of:

- 18 (a) deficits and surpluses from prior fiscal years;
- 19 (b) anticipated expenditures for the administration of the district;
- 20 (c) anticipated expenditures for the operation and maintenance of any
21 district communications plant;
- 22 (d) payments due on obligations, long-term contracts, leases, and
23 financing agreements;
- 24 (e) payments due to any sinking funds for the retirement of district
25 obligations;
- 26 (f) payments due to any capital or financing reserve funds;
- 27 (g) anticipated revenues from all sources; and
- 28 (h) such other estimates as the board deems necessary to accomplish
29 its purpose.

30 2. A board shall hold a public hearing on or before November fifteenth
31 of each year to receive comments from the legislative bodies of district
32 members and hear all other interested persons regarding the proposed
33 budget. Notice of such hearing shall be given to the legislative bodies
34 of district members at least fifteen days prior to such hearing. The
35 board shall give consideration to all comments received and make such
36 changes to the proposed budget as it deems beneficial.

37 3. Annually, on or before December fifteenth, a board shall adopt the
38 budget and appropriate the sums it deems necessary to meet its obli-
39 gations and operate and carry out the district's functions for the
40 following fiscal year.

41 4. Actions or resolutions of a board for the annual appropriations of
42 any year shall not cease to be operative at the end of the fiscal year
43 for which they were adopted. Appropriations made by the board for the
44 various estimates of the budget shall be expended only for such esti-
45 mates, but by majority vote of the board the budget may be amended from
46 time to time to transfer funds between or among such estimates. Any
47 balance left or unencumbered in any such budget estimate, or the amount
48 of any deficit at the end of the fiscal year, shall be included in and
49 paid out of the operating budget and appropriations in the following
50 fiscal year. All such budget amendments shall be reported by the
51 district treasurer to the legislative bodies of each district member
52 within fourteen days of the end of the fiscal year.

53 5. Financial statements and audit results shall be delivered to the
54 legislative bodies of each district member within ten days of delivery
55 to the board.

1 § 275. Indebtedness. A board may borrow money through the issuance of
2 notes of its district for the purpose of paying current expenses of such
3 district. Such notes shall mature within one year, and may be refunded
4 in the manner provided by law, and shall be payable solely from the
5 district's operating revenues. The governing board may borrow money in
6 anticipation of the receipt of grants-in-aid from any source and any
7 revenues. Such notes shall mature within one year, but may be renewed
8 as otherwise provided by law.

9 § 276. Pledge of revenues. 1. When a board, at a regular or special
10 meeting called for such purpose, determines by resolution passed by a
11 vote of a majority of members present and voting that the public inter-
12 est or necessity demands communications plant improvements, or a long-
13 term contract, and that the cost of such improvements or long-term
14 contract will be too great to be paid out of the ordinary annual income
15 and revenue of the district, the board may pledge communications plant
16 net revenues and enter into long-term contracts to provide for such
17 improvements.

18 2. The pledge of communications plant net revenues, and other obli-
19 gations allowed by law, may be authorized for any purpose permitted by
20 this article, or any other applicable law.

21 § 277. Sinking and reserve funds. 1. A board may establish and provide
22 for sinking and reserve funds, however denominated, for the retirement
23 and security of pledges of communications plant net revenue, or for
24 long-term contracts. When established, such funds shall be kept intact
25 and separate from other monies at the disposal of the district, and
26 shall be accounted for as a pledged asset for the purpose of retiring or
27 securing such obligations or contracts. The cost of payments to any
28 sinking or reserve fund shall be included in the annual budget of the
29 district.

30 2. A board shall establish and provide for a capital reserve fund to
31 pay for communications plant improvements, replacement of worn out
32 buildings and equipment, and planned and unplanned major repairs in
33 furtherance of the purpose for which the district was created. Any such
34 capital reserve fund shall be kept in a separate account and invested as
35 are other public funds and shall be expended for such purposes for which
36 established. The cost of payments to any capital reserve fund shall be
37 included in the annual budget of the district.

38 § 278. Service fees. A board may from time to time establish and
39 adjust service, subscription, access, and utility fees for the purpose
40 of generating revenues from the operation of its communications plant.

41 § 279. Special meetings. 1. A board may call a special meeting of the
42 district when it deems it necessary or prudent to do so and shall call a
43 special meeting of the district when action by the voters is necessary
44 under this article. The board shall call a special meeting upon receipt
45 of a petition signed by at least five percent of the registered voters
46 within its district, or upon request of at least twenty-five percent of
47 district members evidenced by formal resolutions of the legislative
48 bodies of such members or by petitions signed by at least five percent
49 of the member's registered voters. The board may rescind the call of a
50 special meeting called by it but not a special meeting called as
51 provided in this subdivision. The board may schedule the date of such
52 special meetings to coincide with the date of annual municipal meetings,
53 primary elections, general elections, or similar meetings when the elec-
54 torate within the district members will be voting on other matters.

55 2. At any special meeting of a district, voters of each district
56 member shall cast their ballots at such polling places within the muni-

1 cipality of their residence as shall be determined by the board of the
2 district in cooperation with the board of elections of each district
3 member.

4 3. Not less than three nor more than fourteen days prior to any
5 special meeting, at least one public hearing shall be held by the board
6 at which time the issues under consideration shall be presented and
7 comments received. Notice of such public hearing shall include the
8 publication of a warning in a newspaper of general circulation in the
9 district at least once a week, on the same day of the week, for three
10 consecutive weeks, the last such publication not less than five nor more
11 than ten days before the public hearing. Such notice may be included in
12 the warning called for in subdivision four of this section.

13 4. The board shall provide notice of a special meeting by filing a
14 notice with the clerk of each district member and by posting a notice in
15 at least five public places in each municipality in the district not
16 less than thirty nor more than forty days before such meeting. In addi-
17 tion, such notice shall be published in a newspaper of general circu-
18 lation in the district once a week on the same day of the week for three
19 consecutive weeks before such meeting, the last such publication to be
20 not less than five nor more than ten days before such meeting.

21 5. The original notice of any special meeting of the district shall be
22 signed by a majority of the board and shall be filed with the clerk
23 before being posted.

24 6. The posted and published notices for special meetings under this
25 section shall include the date, time, place, and nature of the meeting.
26 Such notices shall, by separate articles, specifically indicate the
27 business to be transacted and the questions to be voted upon at such
28 meeting.

29 7. All legal voters of a district's members shall be legal voters of
30 such district. The district members shall post and revise checklists in
31 the same manner as for municipal meetings prior to any district meeting
32 at which there will be voting.

33 § 280. Withdrawal of a member municipality. A district member may
34 withdraw from its district upon the following terms and conditions:

35 1. Prior to such district pledging communications plant net revenues,
36 or entering into a long-term contract, or contract subject to annual
37 appropriation, a district member may vote to withdraw in the same manner
38 as the vote for admission to the district. If a majority of the voters
39 of a district member present and voting at a meeting for such purpose
40 votes to withdraw from the district, the vote shall be certified by the
41 clerk of such municipality and presented to the board. Following the
42 presentation of such vote to the board, the board shall give notice to
43 the remaining district members of such vote to withdraw and shall hold a
44 meeting to determine if it is in the best interest of such district to
45 continue to exist. Representatives of the district members shall be
46 given an opportunity to be heard at such meeting together with any other
47 interested persons. After such a meeting, the board may declare the
48 district dissolved or it may declare that the district shall continue to
49 exist despite the withdrawal of such member. The membership of the with-
50 drawing municipality shall terminate after the vote to withdraw.

51 2. After such district has pledged communications plant net revenues,
52 or entered into a long-term contract or contract subject to annual
53 appropriations, a district member may vote to withdraw in the same
54 manner as the vote for admission to such district.

55 § 281. Admission of district members. A board may authorize the inclu-
56 sion of additional district members in the communications union district

1 upon such terms and conditions as it in its sole discretion shall deem
2 to be fair, reasonable, and in the best interest of such district. The
3 legislative body of any nonmember municipality which desires to be
4 admitted to such district shall make application for admission to the
5 board. The board shall determine the financial, economic, governance,
6 and operational effects that are likely to occur if such municipality is
7 admitted and thereafter either grant or deny authority for admission of
8 such petitioning municipality. If the board grants such authority, it
9 shall also specify any terms and conditions, including financial obli-
10 gations, upon which such admission is predicated. Upon resolution of the
11 board, such applicant municipality shall become a district member.

12 § 282. Dissolution. 1. If a board by resolution approved by two-thirds
13 of all the votes entitled to be cast determines that it is in the best
14 interests of the public, the district members, and the district that
15 such district be dissolved, and if such district then has no outstanding
16 obligations under pledges of communications plant net revenue, long-term
17 contracts, or contracts subject to annual appropriation, or will have no
18 such debt or obligation upon completion of the plan of dissolution, it
19 shall prepare a plan of dissolution and adopt a resolution directing
20 that the question of such dissolution and the plan of dissolution be
21 submitted to the voters of such district at a special meeting, for which
22 notice shall be duly provided for such purpose. If a majority of the
23 voters of such district present and voting at such special meeting shall
24 vote to dissolve such district and approve the plan of dissolution, such
25 district shall cease to conduct its affairs except insofar as may be
26 necessary for the winding up thereof. The board shall immediately cause
27 a notice of the proposed dissolution to be mailed to each known creditor
28 of such district and shall proceed to collect the assets of such
29 district and apply and distribute them in accordance with the plan of
30 dissolution.

31 2. The plan of dissolution shall:
32 (a) identify and value all unencumbered assets;
33 (b) identify and value all encumbered assets;
34 (c) identify all creditors and the nature or amount of all liabilities
35 and obligations;
36 (d) identify all obligations under long-term contracts and contracts
37 subject to annual appropriation;
38 (e) specify the means by which assets of such district shall be liqui-
39 dated and all liabilities and obligations paid and discharged, or
40 adequate provision made for the satisfaction thereof;
41 (f) specify the means by which any assets remaining after discharge of
42 all liabilities shall be liquidated if necessary; and
43 (g) specify that any assets remaining after payment of all liabilities
44 shall be apportioned and distributed among the district members accord-
45 ing to a formula based upon population.

46 3. When the plan of dissolution has been implemented, the board shall
47 adopt a resolution certifying such implementation to the district
48 members, whereupon such district shall be terminated, and notice thereof
49 shall be delivered to the temporary president of the senate and the
50 speaker of the assembly in anticipation of confirmation of dissolution
51 by the state legislature.

52 § 2. This act shall take effect on the first of January next succeed-
53 ing the date on which it shall have become a law.