STATE OF NEW YORK

8805

IN SENATE

March 14, 2024

Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 2

AN ACT in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Part A); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police shooting range and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Part B); in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Part C); and in relation to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings and authorizing the expenditure of the proceeds from such bonds for such objects or purposes (Part D)

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

Section 1. This act enacts into law components of legislation relating to deeming the objects or purposes for which certain bonds were issued by the city of Buffalo and authorizing the expenditure of the proceeds from such bonds for such objects or purposes. Each component is wholly contained within a Part identified as Parts A through D. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

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

LBD14761-01-4

PART A

Section 1. Legislative Findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 19, 2019 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,100,000 to finance the cost of construction of a new police shooting range. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police shooting range was intended to be made.

§ 2. Notwithstanding any other provision of law to the contrary, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police shooting range to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,100,000 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

PART B

Section 1. Legislative Findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 18, 2020 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $400,000 to finance the cost of construction of a new police shooting range. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police shooting range was intended to be made.

§ 2. Notwithstanding any other provision of law to the contrary, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police shooting range to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $400,000 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to

permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

PART C

Section 1. Legislative Findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 22, 2022 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,879,700 to finance the cost of construction of a new police training facility. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility was intended to be made.

§ 2. Notwithstanding any other provision of law to the contrary, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,879,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

PART D

Section 1. Legislative Findings. The legislature hereby finds and determines that pursuant to a bond resolution dated February 7, 2023 adopted by the common council of the city of Buffalo, county of Erie, (the "common council" and the "city" respectively) the city issued bonds in the principal amount of $1,514,700 to finance the cost of

construction of a new police training facility, including planning and design work, related site improvements, and furnishings. The legislature further finds and determines that said resolution failed to include language to identify the accurate address within the city in which such construction of a new police training facility was intended to be made.

§ 2. Notwithstanding any other provision of law to the contrary, the object or purposes for which said bonds were issued are hereby deemed to be for the construction of a new police training facility, including planning and design work, related site improvements, and furnishings to be located at 379 Paderewski Drive in the city of Buffalo as mentioned in the aforesaid resolution and the expenditure of the $1,514,700 proceeds of such bonds for such objects or purposes is hereby authorized, validated, confirmed and ratified.

§ 3. The authorization provided in section two of this act shall not take effect until the common council of the city of Buffalo adopts a resolution after the effective date of this act that shall be subject to permissive referendum pursuant to section 23-11 of the charter of the city of Buffalo as if the council had not already created a city debt. In the event a successful petition is filed with the city clerk, the authorization provided in section two of this act shall not take effect unless such resolution is approved by the affirmative vote of a majority of the qualified electors.

§ 4. Separability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5. This act shall take effect immediately.

§ 2. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A through D of this act shall be as specifically set forth in the last section of such Parts.