§ 26.00 Temporary alternative methods of financing snow and ice removal expenses. a. Definitions. 1. With respect to any municipality which has a calendar fiscal year which commenced on the first day of January, two thousand two, the terms "extraordinary expenses for snow and ice removal" and "such extraordinary expenses", as used in this section, shall mean the expenses incurred for the removal of snow and ice from the public thoroughfares and public places of such municipality during any month in such year up to and including June two thousand three, in excess of the normal expenses which would have been incurred for such purposes during such period, as determined by the finance board of such municipality. In making any such determination, the finance board shall not include as a part of such extraordinary expenses the salaries and wages of regular employees, except for overtime work and work on Sundays and holidays.

2. With respect to any municipality which has a fiscal year which commenced in the year two thousand two on or after the first day of March in such year, the terms "extraordinary expenses for snow and ice removal" and "such extraordinary expenses", as used in this section, shall mean the expenses incurred for the removal of snow and ice from the public thoroughfares and public places of such municipality during such fiscal year, in excess of the amounts appropriated for such purposes in the annual budget for such fiscal year, or, if no such appropriations were made, then in excess of the average of all expenditures for such purposes during each of the five preceding fiscal years, as determined by the finance board of such municipality.

b. The financing of snow and ice removal expenses by the issuance of serial bonds. 1. The finance board of a municipality which has a fiscal year which commenced on the first day of January, two thousand two, may authorize the issuance of serial bonds in the two thousand three fiscal year to provide for the payment of all or part of the extraordinary expenses of snow and ice removal incurred during any month in the year two thousand two up to and including June two thousand three, to reimburse any fund or account of the municipality from which monies to pay such extraordinary expenses have been advanced or to replenish any fund or account of the municipality from which such extraordinary

expenses have been paid, or any combination of such purposes, notwithstanding that there may have been lack of statutory authority for any such advance or payment from such fund or account. The period of probable usefulness of such objects or purposes shall be five years. Any such serial bonds shall have a maximum maturity of over two years, but the date of final maturity of any such issue shall not extend beyond the first day of March in the year two thousand eight as to counties and towns and shall not extend beyond the thirty-first day of December, two thousand eight, as to other municipalities.

2. The finance board of a municipality which has a fiscal year which commenced in the year two thousand two on or after the first day of March in such year may authorize the issuance of serial bonds in such fiscal year, or in its next succeeding fiscal year, to provide for the payment of all or part of the extraordinary expenses of snow and ice removal incurred in such fiscal year, to reimburse any fund or account of the municipality from which monies to pay such extraordinary expenses have been advanced or to replenish any fund or account of the municipality from which such extraordinary expenses have been paid, or any combination of such purposes, notwithstanding that there may have been lack of statutory authority for any such advance or payment from such fund or account. The period of probable usefulness of such objects or purposes shall be five years. Any such serial bonds shall have a maximum maturity of over two years, but the date of final maturity of any such issue shall not extend beyond the thirty-first day of December, two thousand seven.

3. Notwithstanding the foregoing provisions of subdivisions one and two of this paragraph, serial bonds may not be authorized to be issued for the purpose of financing any portion of such extraordinary expenses described in such subdivisions which heretofore have been or hereafter shall be financed by the issuance of budget notes or for the purpose of redeeming any such notes.

4. Except as provided in this section, such serial bonds and any bond anticipation notes in anticipation thereof, shall be authorized, sold and issued in the manner provided by this chapter. Any bond anticipation

notes issued in anticipation of such bonds shall, for the purpose of determining the power of the issuer to contract indebtedness and to raise taxes upon real estate, be deemed to be serial bonds of an issue having a maximum maturity of more than two years as described in subdivision A of section five and in section ten of article eight of the state constitution and for the purposes of (1) paragraph one-a of section 136.00 of this chapter, (2) section two hundred thirty-three of the county law, (3) any general or special law applicable to counties, cities and villages which relates to the raising of taxes on real estate to provide for the payment of the interest on and the principal of indebtedness, and (4) all laws relating to the financial reports, debt statements and real estate tax margin computations of such municipalities. The chief fiscal officer of any municipality issuing or renewing such bond anticipation notes shall immediately after the issuance or renewal thereof notify the state comptroller of such issuance or renewal. The state comptroller may prescribe the form of any such notice and shall furnish such forms to municipalities for the purpose of making any such report.

5. Capital notes may not be issued to finance any object or purpose for which serial bonds are authorized to be issued pursuant to this paragraph. The provisions of this paragraph shall not affect the power of any municipality described in paragraph a of this section to finance all or part of any such extraordinary expenses pursuant to the provisions of section 29.00 of this title and paragraph c of this section.

6. Section 104.10 of this chapter shall not be applicable in relation to, or as the result of, the adoption of a bond resolution authorizing the issuance of serial bonds pursuant to this paragraph. The provisions of section 10.00, paragraph a of section 21.00 and any other section of this chapter, or the provisions of any general, special or local law, which would restrict, limit or prohibit the issuance of such bonds (except those enacted to conform with the state constitution) are, to the extent that this section is utilized by a municipality, suspended and made ineffective in so far as necessary to effectuate the purposes of this section; provided, however, that this paragraph shall not apply

to a city having a population of over one million inhabitants, if the legislature at the request of such city enacts a law at the one hundred eighty-fourth annual session of the legislature amending the administrative code of such city in relation to facilitating payment of certain unusual snow and ice removal expenses of the city incurred in its current fiscal year nineteen hundred sixty--nineteen hundred sixty-one.

c. The financing of snow and ice removal expenses by the issuance of budget notes. 1. If any municipality described in paragraph a of this section has heretofore issued budget notes pursuant to the provisions of subdivision two of paragraph a of section 29.00 of this title to provide for the payment of extraordinary expenses of snow and ice removal, as defined in this section, the finance board, by resolution, may determine that such notes shall be deemed to have been issued pursuant to the provisions of subdivision one of paragraph a of such section and that such notes so issued shall not thereafter be considered in determining the power of such municipality to issue budget notes pursuant to such subdivision two.

2. If any municipality described in paragraph a of this section has heretofore issued budget notes pursuant to the provisions of subdivision one or two of paragraph a, or paragraph b, of section 29.00 of this title, to provide for the payment of extraordinary expenses of snow and ice removal, as defined in this section, the finance board may determine that the provisions of paragraph j of such section shall not be applicable in relation to the maturity of such notes and (a) that such notes shall mature in equal annual installments in two different fiscal years, but the final maturity of such notes shall not extend beyond the close of the second fiscal year immediately succeeding the year of their issue, or (b) if the fiscal procedures applicable to such municipality will enable the necessary budgetary appropriations for debt service to be made and such appropriations to become available, that such notes shall mature in three equal annual installments in three different fiscal years, but the final maturity of any such notes shall not exceed three years in accordance with the provisions of paragraph a of section 11.00 of this chapter which prescribes a period of probable usefulness

of three years for objects or purposes financed by the issuance of budget notes. Such budget notes which mature in three equal annual installments, as aforesaid, shall, for the purpose of determining the power of the issuer to contract indebtedness and to raise taxes on real estate, be deemed to be serial bonds of an issue having a maximum maturity of more than two years as described in subdivision A of section five and in section ten of article eight of the state constitution and for the purposes of (1) paragraph one-a of section 136.00 of this chapter, (2) section two hundred thirty-three of the county law, (3) any general or special law applicable to counties, cities and villages which relates to the raising of taxes on real estate to provide for the payment of the interest on and the principal of indebtedness, and (4) all laws relating to financial reports, debt statements and real estate tax margin computations of such municipalities. If the finance board determines that such budget notes shall mature in three equal annual installments, as aforesaid, the chief fiscal officer of such municipality immediately after the adoption of the resolution making such determination shall file a copy of the resolution with the state comptroller and shall immediately after the issuance or renewal of such notes notify the state comptroller of such issuance or renewal. The state comptroller may prescribe the form of any such notice and shall furnish such forms to municipalities for the purpose of making any such report.

3. Notwithstanding any of the provisions of section 29.00 of this title, the finance board of a municipality described in paragraph a of this section may authorize the issuance of budget notes pursuant to subdivision one of paragraph a, or paragraph b, of such section 29.00 to provide for the payment of all or part of the extraordinary expenses of snow and ice removal, as defined in this section, to reimburse any fund or account of the municipality from which monies to pay such extraordinary expenses have been advanced or to replenish any fund or account of the municipality from which such extraordinary expenses have been paid, or any combination of such purposes, notwithstanding that there may have been lack of statutory authority for any such advance or payment from such fund or account. The finance board may determine that such notes may mature in the manner provided in paragraph j of section

29.00, or, if the fiscal procedures applicable to such municipality will enable the necessary budgetary appropriations for debt service to be made and such appropriations to become available, that such notes shall mature in two equal annual installments in two different fiscal years, but the final maturity of such notes shall not extend beyond the close of the second fiscal year immediately succeeding the year of their issue.

4. If a municipality which had a calendar fiscal year which commenced on the first day of January, two thousand two, issued budget notes in such year pursuant to the provisions of section 29.00 of this title to finance the payment of expenses of removal of snow and ice in such fiscal year and if such budget notes, under the provisions of paragraph j of such section, could not be renewed after the close of its fiscal year which would end in the year two thousand three, then and in such event the finance board of such municipality may determine that the provisions of paragraph j of such section shall not be applicable in relation to the maturity of such notes and that such notes shall mature in equal annual installments in the years two thousand three and two thousand four.

5. If a municipality which had a calendar fiscal year which commenced on the first day of January, two thousand two, authorized the issuance of budget notes in such year pursuant to the provisions of section 29.00 of this chapter to finance the payment of expenses of removal of snow and ice in such year and if such notes were not issued in the year two thousand two, but were or are to be issued in the year two thousand three, and if such budget notes, under the provisions of paragraph j of such section, could not be renewed after the close of its fiscal year which would end in the year two thousand four, then and in any such event the finance board of such municipality may determine that the provisions of paragraph j of such section shall not be applicable in relation to the maturity of such notes and that such notes shall mature in equal annual installments in the years two thousand four and two thousand five.

6. Any resolution of a finance board of a municipality making a

determination pursuant to subdivision one, two, three, four or five of this paragraph may be adopted by a majority vote of the finance board, notwithstanding the provisions of paragraph d of section 40.00 of this chapter.

7. The provisions of subdivision four of paragraph c of section 40.00 and of any other section of this chapter and the provisions of any general, special or local law which would restrict, limit or prohibit the renewal of budget notes as provided in this paragraph (except those enacted to conform with the state constitution) are, to the extent that this section is utilized by a municipality, suspended and made ineffective in so far as necessary to effectuate the objects and purposes of this section.

d. Separability. If any clause, sentence, subdivision, paragraph, or part of this section 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, subdivision, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.