§ 26.10 Temporary alternative methods of financing storm relief expenses. a. Definitions. As used in this section, the terms "extraordinary expenses of storm relief" and "such extraordinary expenses" shall mean expenses incurred by a municipality, school district or district corporation before the first day of January, two thousand fourteen, for storm relief projects necessitated by damage caused by the storm commonly known as Sandy on or shortly after October twenty-ninth, two thousand twelve. The term "storm relief projects" shall mean the repair or reconstruction of public thoroughfares, buildings, places, and projects of such municipality, school district or district corporation, in excess of the normal expenses which would have been incurred for such purposes during such periods as determined by the finance board of such municipality, school district or district corporation. 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. Such extraordinary expenses may include any interest payments on revenue anticipation notes issued in anticipation of the receipt of moneys from the state or federal government on account of such storm pursuant to any state or federal disaster relief act.

b. The financing of storm relief expenses by the issuance of serial bonds.

1. The finance board of a municipality, school district or district corporation may authorize the issuance of serial bonds on or before December thirty-first two thousand thirteen to provide for the payment of all or part of the extraordinary expenses of storm relief, to reimburse any fund or account of the issuer from which moneys to pay such extraordinary expenses have been advanced or to replenish any fund or account of the issuer 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 eighteen.

2. No provision of subdivision one of this paragraph shall be deemed to prohibit the issuance of serial bonds for the purpose of financing any portion of such extraordinary expenses described in such subdivision which heretofore have been or hereafter shall be financed by the issuance of budget notes or for the purpose of redeeming any such notes.

3. 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 paragraph A of section five and in section ten of article eight of the state constitution and for the purposes of (1) subdivision one-a of section 136.00 of this chapter, (2) section two hundred thirty-three of the county law, (3) section 5-514 of the village law, (4) any general or special law applicable to counties, cities, villages, school districts or district corporations 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 (5) all laws relating to the financial reports, debt statements and real estate tax margin computations of such municipalities, school districts or district corporations. The chief fiscal officer of any municipality, school district or district corporation 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, school districts and district corporations for the purpose of making any such report.

4. 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, school district or district corporation 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 chapter and paragraph c of this section.

5. 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, school district or district corporation, suspended and made ineffective insofar as necessary to effectuate the purposes of this section.

c. The financing of storm relief expenses by the issuance of budget notes. 1. If any municipality or school district described in paragraph a of this section has heretofore issued budget notes pursuant to the provisions of subdivision two or three of paragraph a of section 29.00 of this chapter to provide for the payment of extraordinary expenses of storm relief, 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 or school district to issue budget notes pursuant to such subdivision two or three.

2. If any municipality, school district or district corporation described in paragraph a of this section has heretofore issued budget notes pursuant to the provisions of subdivision one, two or three of paragraph a, or paragraph b, of section 29.00 of this chapter, to provide for the payment of extraordinary expenses of storm relief, 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, school district or district corporation 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 paragraph 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) section 5-514 of the village law, (4) any general or special law applicable to counties, cities, villages, school districts or district corporations 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 (5) all laws relating to financial reports, debt statements and real estate tax margin computations of such municipalities, school districts or district corporations. 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, school district or district corporation 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, school districts or district corporations for the purpose of making any such report.

3. Notwithstanding any of the provisions of section 29.00 of this chapter, the finance board of a municipality or a school district

described in paragraph a of this section may authorize the issuance of budget notes pursuant to subdivision one of paragraph a, or, in the case of a municipality, paragraph b of such section 29.00 of this chapter to provide for the payment of all or part of the extraordinary expenses of storm relief, to reimburse any fund or account of the municipality or school district from which moneys to pay such extraordinary expenses have been advanced or to replenish any fund or account of the municipality or school district 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 of this chapter, or, if the fiscal procedures applicable to such municipality or school district 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. The provisions of subdivision four of paragraph c of section 40.00 of this chapter 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, school district or district corporation, suspended and made ineffective insofar 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.