§ 1680-a. Judicial facilities in certain counties. 1. In order to effectuate the purposes of this title, the following provisions shall apply to the authority and any county, within the tenth judicial district, that does not contain a city (a "county") in connection with the provision of judicial facilities;

(a)(1) Any county for whose use judicial facilities are to be designed, constructed, reconstructed, rehabilitated, improved or otherwise provided may enter into a lease, sublease or other agreement for the provision of judicial facilities with the authority in accordance with the provisions of either paragraph b or c of this subdivision and otherwise upon such terms and conditions as the authority and the county shall determine to be reasonable, including, but not limited to, the reimbursement to the authority of all costs of such design, construction, reconstruction, rehabilitation or improvement and claims arising therefrom and provisions setting forth or providing for the calculation of rental and other payments for the use and occupancy of such judicial facilities, which payment shall be at least sufficient to pay the principal of and interest on the bonds of the authority issued to finance the cost of the design, construction, reconstruction, rehabilitation, or improvement of such judicial facilities and the fees and expenses of the authority incurred in connection therewith.

(2) Such lease, sublease or other agreement shall not be deemed to be a contract for public work or purchase within the meaning of the general municipal law.

(3) Such lease, sublease or other agreement shall provide that if the authority undertakes to design, construct, reconstruct, rehabilitate, improve, furnish or equip any judicial facilities for a county, any contract or contracts for the construction, reconstruction, rehabilitation, improvement of judicial facilities shall be awarded based upon the authority's evaluation of proposals submitted to the authority in response to a request for proposals. Such request for proposals shall be prepared in accordance with standards to be developed by the authority designed to assure the award of all contracts to contractors evidencing proven experience with projects of the scope, magnitude and complexity of the judicial facilities that are the subject of the contract and the ability to perform all work required in a

professional and timely manner. The procedures governing the request for proposals shall assure that, wherever practicable, responsible contractors, meeting the above criteria, located or regularly doing business in the county for whose benefit the judicial facilities are to be provided are given the opportunity to be considered. Any contract or contracts for the purchase of furnishings and equipment shall be awarded to the lowest responsible bidder in accordance with the provisions of section one hundred three of the general municipal law.

(4) Any such lease, sublease or other agreement entered into pursuant to this paragraph (a) may provide that the provisions thereof shall remain in force and effect until the issue of bonds of the authority to which it relates, together with interest thereon, interest on any unpaid installments of interest and the fees and expenses of the authority, are fully met and discharged, and any payments to be made by a county may be pledged by the authority to secure such bonds.

(5) A county entering into such a lease, sublease or other agreement is hereby authorized to raise and appropriate such sums as shall be necessary from time to time to make any payment pursuant thereto.

(6) Any lease, sublease or other agreement entered into by the authority and a county may provide that at the termination thereof the title to the judicial facilities shall vest in the county, free and clear of any indebtedness contracted by the authority.

(b) (1) A lease, sublease or other agreement entered into pursuant to this paragraph shall be executory only to the extent of moneys appropriated and available therefor, be for the periods agreed by the parties thereto, but not exceeding thirty years.

(2) The annual payment obligation pursuant to a lease, sublease or other agreement entered into pursuant to this paragraph shall not be deemed to be "indebtedness" for the purpose of determining the gross indebtedness of a county pursuant to the provisions of section 135.00 of the local finance law or section ten of article eight of the state constitution nor shall it be deemed an evidence of indebtedness within the meaning of section 20.00 of the local finance law.

(c) (1) A lease, sublease or other agreement entered into pursuant to this paragraph may be for the periods agreed by the parties thereto, but not exceeding thirty years which is hereby determined to be the period of probable usefulness of any judicial facilities authorized to be

provided pursuant to this title, which term shall be computed from the date of the first indebtedness contracted by the authority for such judicial facilities.

(2) The portion of the annual payment obligation to be made by a county to the authority pursuant to any lease, sublease or other agreement entered into pursuant to this paragraph to enable the authority to pay the principal of any indebtedness contracted by it to finance the cost of such judicial facilities shall commence within two years after any such indebtedness or portion thereof shall have been contracted and no such portion of the annual payment obligation shall be more than fifty per centum in excess of the smallest prior portion of the annual payment for such purpose.

(3) The county shall pledge its faith and credit for the payment of the portion of the annual payment described in subparagraph two of this paragraph and also for the payments required to be made to the authority to enable it to pay the interest on such indebtedness.

(4) The total amount of all unpaid annual payments in relation to the principal of any such indebtedness for which the county has pledged its faith and credit shall be deemed to be indebtedness of the county for a capital improvement within the meaning of subparagraph b of subdivision three of paragraph a of section 135.00 of the local finance law.

(5) The portion of the annual payment by a county to the authority to enable the authority to pay the principal of any indebtedness contracted by it to finance the cost of such judicial facilities for which a county has pledged its faith and credit and the portion of the annual payment by a county to the authority to enable the authority to pay interest on any indebtedness contracted by it to finance the cost of such judicial facilities shall be deemed to be "indebtedness" and "interest" within the meaning of section ten of article eight of the state constitution.

(d) (i) In the event that a county for whose use judicial facilities are to be or have been provided fails to make its required payment, in whole or in part, to the authority pursuant to any lease, sublease or other agreement, the authority shall certify to the state comptroller that such county has failed to make such payment. Such certificate shall set forth the exact amount of payment required to satisfy the obligations of such county and the date such payment was due.

(ii) The state comptroller, upon receipt of such certificate from the

authority, shall withhold from the next succeeding payment or payments of state aid or local assistance payable to such county for whose use judicial facilities are to be or have been provided, the amount of the deficiency set forth in such certificate and shall thereafter immediately pay over to the authority the amount so withheld.

(iii) The provisions of this paragraph shall not apply in any case where either the payment of the principal of or interest on bonds issued by the authority for the purpose of financing the design, construction, acquisition, reconstruction, rehabilitation and improvement, and the furnishing and equipping of judicial facilities for a county or the payment of the obligations of any such county are secured by a policy of municipal bond insurance, an irrevocable letter of credit, or other financial guarantee or credit enhancement provided by a bank, insurance company or other financial institution. Any such policy of municipal bond insurance, letter of credit, or other financial guarantee or credit enhancement shall be approved by the authority and notice of such approval shall be provided to the state comptroller.

(e) The provisions of this title may be utilized by a county, notwithstanding the provision of any general or special law, or county charter that (i) requires that any project must be constructed, reconstructed, rehabilitated or improved, operated and maintained by the county, (ii) limits the period of time for which a county may enter into a lease, sublease or otherwise agree, (iii) limits the period of time for which a county may lease its real property to any other entity, including the authority, a county being hereby authorized to lease its real property to the authority for any period of time as the county and the authority may agree where such real property will constitute the site on which judicial facilities for the use of such county will be constructed, reconstructed, rehabilitated or improved, (iv) requires that the cost shall be paid for by taxes levied for the fiscal year in which the expenditure is to be made, (v) requires that the cost shall be financed pursuant to the local finance law, or (vi) only permits any such project to be constructed, reconstructed, rehabilitated or improved subject to either mandatory or permissive referendum.

2. The state hereby covenants with the holders from time to time of bonds issued by the authority to pay the cost of the design,

construction, reconstruction, rehabilitation or improvement of judicial facilities pursuant to this section that it will not limit, impair or impede the rights and remedies granted hereby to such holders; provided, however, that nothing in this paragraph contained shall be deemed or construed as giving or pledging the credit of the state or as requiring the state to continue the payment of any specific type or types of state aid or local assistance to a county, within the tenth judicial district, that does not include a city for whose benefit judicial facilities are to be or have been provided or as limiting or prohibiting the state from repealing or amending any law heretofore or hereafter enacted relating to state aid and local assistance to such county, the manner and time or payment or apportionment thereof, or the amount thereof, nor shall such bonds be a debt of the state and the state shall not be liable thereon.