

Amend Senate 6259, Assembly 9761, A BUDGET BILL, AN ACT to repeal section 8....

Page 9, Line 32 After "immediately"
Insert ", and provided that section one of this act shall take effect on June 30, 2002."

Page 34, Line 12 After "provided in"
Strike out "section twelve"
Insert "sections eleven, twelve, or thirteen"

Page 37, Line 3 After "projects."
Insert "(a)"

Page 37, Line 9 After "pursuant to"
Insert "either"

Page 37, Line 9 After "section twelve"
Insert "or section thirteen"

Page 37, Line 16 After "section twelve"
Insert "or section thirteen"

Page 37, Between lines 21 and 22 Insert
"(b) Notwithstanding any other provision of law, including paragraph (a) of section 4 or any other provision of this act, one hundred fifty million dollars of net proceeds from the financing to be provided pursuant to section 13 of this act shall be available for purposes and in the manner determined pursuant to paragraphs 3 and 4 of section 14k of the transportation law."

Page 37, Line 48 After "sections eleven"
Strike out "and"
Insert ", "

Page 37, Line 48 After "twelve"
Insert "or thirteen"

Page 40, Lines 16 - 27 After "such financing."
Strike out "The corporation shall not issue any bonds or notes under this section in an amount in excess of seven hundred fifty million dollars, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to

fund any costs of issuance, including underwriter's compensation; and (C) to provide for original issue discount on obligations issued by the corporation at the request of the empire opportunity fund. In computing for the purposes of this subdivision the aggregate amount of indebtedness evidenced by bonds and notes of the corporation issued pursuant to this section, there shall be excluded the amount of bonds or notes constituting interest (whether payable currently or accreting) and the amount of indebtedness to refund or otherwise repay bonds or notes."

Page 42, Lines 18, 19

After "trust fund"
Strike out "cooperative"
Insert "service"

Page 42, Line 42

At beginning of line, strike out "(8)"
Insert "(h)"

Page 43
Between lines
7 and 8

Insert

"§ 13. Additional powers of corporation to issue special empire opportunity fund service contract bonds.

1. (a) The corporation is hereby authorized on behalf of the empire opportunity fund, as an additional corporate purpose thereof: (i) to enter into empire opportunity fund service contract service agreement or agreements with the director of the budget for the financing by the corporation of disbursements made by the state, the empire opportunity fund or a project sponsor for any of the activities authorized pursuant to the provisions of this act in any case where the expense thereof is paid in whole or in part by the state or project sponsor.

(b) The corporation, on behalf of the empire opportunity fund, is hereby authorized, as additional corporate purposes thereof: (i) to issue special empire opportunity fund service contract bonds, notes or other obligations for a term not to exceed thirty years and to incur obligations secured by the moneys as provided in the service contracts authorized pursuant to this section; (ii) to make available the proceeds from the sale of such special empire

opportunity fund service contract bonds, notes or other obligations, net of all costs to the corporation and the empire opportunity fund in connection therewith, for the purposes of financing all or a portion of the costs of activities authorized pursuant to this act; and (iii) to enter into service contracts, contracts and agreements, with the director of the budget, and as determined by the corporation or the empire opportunity fund with project sponsors and others, to provide for the financing by the corporation on behalf of the empire opportunity fund of activities authorized pursuant to this act, and the director of the budget is hereby authorized to enter into service contracts, contracts and agreements with the corporation on behalf of the empire opportunity fund, project sponsors or others to provide for such financing. The corporation shall not issue any bonds or notes under this section in an amount in excess of \$750 million, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; (C) to fund any costs of issuance, including underwriter's compensation; and (D) to provide for original issue discount on obligations issued by the corporation at the request of the empire opportunity fund. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the corporation issued pursuant to this section, there shall be excluded the amount of bonds or notes constituting interest (whether payable currently or accreting) and the amount of indebtedness to refund or otherwise repay bonds or notes.

(c) Such obligations shall be issued or incurred with the approval of the director of the budget and shall be special obligations of the corporation secured by and payable solely out of amounts received pursuant to service contracts authorized by this section, funded by amounts appropriated by the legislature without recourse against any other assets, revenues or funds of or other payments due to the corporation or the empire opportunity fund.

(d) The notes, bonds or other obligations of the corporation authorized

by this section shall not be a debt of the state and the state shall not be liable thereon, nor shall they be payable out of any funds other than those of the corporation or the empire opportunity fund pledged therefor; and such bonds and notes shall contain on the face thereof a statement to such effect. In addition, any agreements entered into by the director of the budget or any other entity on behalf of the state to effect the implementation of any of the activities financed in whole or in part with proceeds of the obligations of the corporation or the empire opportunity fund authorized in this section do not constitute or create a debt of the state, nor a contractual obligation in excess of the amounts appropriated therefor and the state has no continuing legal or moral obligation to appropriate money for payments due under such contracts.

(e) All of the provisions of udc act relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to obligations authorized by this section, including but not limited to the power to establish adequate reserves therefor and to issue renewal notes or refunding bonds thereof.

(f) Except for the purpose of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

(g) The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the corporation and the empire opportunity fund and does not exempt the project sponsor or any other entity from compliance with such article."

Page 43, Line 8

At beginning of line, strike out "13"
Insert "14"

Page 43 Line 22

At beginning of line, strike out "14"
Insert "15"

Page 43, Line 40

After "two thousand one,"

Insert "provided, however, that such amount shall not exceed two hundred million dollars in any state fiscal year,"

- Page 43, Lines 42, 43 After "source"
Strike out "including, subject to appropriation, amounts transferred from the general fund consistent with paragraph (f) of this subdivision"
- Page 45, Line 6 After "immediately transfer"
Strike out "first"
- Page 45, Lines 7-9 After "payment account"
Strike out "and then, if necessary, from the general fund to the special obligation reserve and payment account"
- Page 45, Lines 12-21 After "or certificates."
Strike out "Following such an event, the comptroller shall, immediately set aside the amounts required pursuant to paragraph (e) of this subdivision, and set aside and pay the next moneys received by the special obligation reserve and payment account to reimburse the general fund for moneys which were transferred to the special obligation reserve and payment account pursuant to this paragraph. Such amounts shall be set aside until the full amount of moneys transferred from the general fund shall have been set aside and any such moneys set aside shall be transferred to the general fund no later than the last day of each month."
- Page 45, Line 39 At beginning of line, strike out "15"
Insert "16"
- Page 45, Line 46 At beginning of line, strike out "16"
Insert "17"
- Page 45, Line 53 At beginning of line, strike out "17"
Insert "18"

INSERT A

“, and provided that section one of this act shall take effect on June 30, 2002.”

INSERT B; S. 6259, A. 9761

(b) Notwithstanding any other provision of law, including paragraph (a) of section 4 or any other provision of this act, one hundred fifty million dollars of net proceeds from the financing to be provided pursuant to section 13 of this act shall be available for purposes and in the manner determined pursuant to paragraphs 3 and 4 of section 14k of the transportation law.

INSERT C; S.6259, A.9761:

§ 13. Additional powers of the corporation to issue special empire opportunity fund service contract bonds.

1. (a) The corporation is hereby authorized on behalf of the empire opportunity fund, as an additional corporate purpose thereof: (i) to enter into empire opportunity fund service contract service agreement or agreements with the director of the budget for the financing by the corporation of disbursements made by the state, the empire opportunity fund or a project sponsor for any of the activities authorized pursuant to the provisions of this act in any case where the expense thereof is paid in whole or in part by the state or project sponsor.

(b) The corporation, on behalf of the empire opportunity fund, is hereby authorized, as additional corporate purposes thereof: (i) to issue special empire opportunity fund service contract bonds, notes or other obligations for a term not to exceed thirty years and to incur obligations secured by the moneys as provided in the service contracts authorized pursuant to this section; (ii) to make available the proceeds from the sale of such special empire opportunity fund service contract bonds, notes or other obligations, net of all costs to the corporation and the empire opportunity fund in connection therewith, for the purposes of financing all or a portion of the costs of activities authorized pursuant to this act; and (iii) to enter into service contracts, contracts and agreements, with the director of the budget, and as determined by the corporation or the empire opportunity fund with project sponsors and others, to provide for the financing by the corporation on behalf of the empire opportunity fund of activities authorized pursuant to this act, and the director of the budget is hereby authorized to enter into service contracts, contracts and agreements with the corporation on behalf of the empire opportunity fund, project sponsors or others to provide for such financing. The corporation shall not issue any bonds or notes under this section in an amount in excess of \$750 million, plus a principal amount of bonds or notes: (A) to fund capital reserve funds; (B) to provide capitalized interest; (C) to fund any costs of issuance, including underwriter's compensation; and (D) to provide for original issue discount on obligations issued by the corporation at the request of the empire opportunity fund. In computing for the purposes of this subdivision, the aggregate amount of indebtedness evidenced by bonds and notes of the corporation issued pursuant to this section, there shall be excluded the amount of bonds or notes constituting interest (whether payable currently or accreting) and the amount of indebtedness to refund or otherwise repay bonds or notes.

(c) Such obligations shall be issued or incurred with the approval of the director of the budget and shall be special obligations of the corporation secured by and payable solely out of amounts received pursuant to service contracts authorized by this section, funded by amounts appropriated by the legislature without recourse against any other assets, revenues or funds of or other payments due to the corporation or the empire opportunity fund.

(d) The notes, bonds or other obligations of the corporation authorized by this section shall not be a debt of the state and the state shall not be liable thereon, nor shall they be payable out of any funds other than those of the corporation or the empire opportunity fund pledged therefor; and such bonds and notes shall contain on the face thereof a statement to such effect. In addition, any agreements

entered into by the director of the budget or any other entity on behalf of the state to effect the implementation of any of the activities financed in whole or in part with proceeds of the obligations of the corporation or the empire opportunity fund authorized in this section do not constitute or create a debt of the state, nor a contractual obligation in excess of the amounts appropriated therefor and the state has no continuing legal or moral obligation to appropriate money for payments due under such contracts.

(e) All of the provisions of udc act relating to bonds and notes, which are not inconsistent with the provisions of this section, shall apply to obligations authorized by this section, including but not limited to the power to establish adequate reserves therefor and to issue renewal notes or refunding bonds thereof.

(f) Except for the purpose of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

(g) The authorization, sale and issuance of bonds, notes or other obligations pursuant to this section shall not be deemed an action as such term is defined in article eight of the environmental conservation law for the purposes of such article. Such exemption shall be strictly limited in its application to such financing activities of the corporation and the empire opportunity fund and does not exempt the project sponsor or any other entity from compliance with such article.

INSERT D; S.6259, A.9761:

provided, however, that such amount shall not exceed two hundred million dollars in any state fiscal year,