

2489-O. AUDIT AND ANNUAL REPORTS.

2489-P. AUTHORITY SUBJECT TO OPEN MEETINGS LAW.

2489-Q. TITLE NOT AFFECTED IF IN PART UNCONSTITUTIONAL OR INEFFECTIVE.

2489-R. INCONSISTENT PROVISIONS IN OTHER ACTS SUPERSEDED.

S 2489. LEGISLATIVE INTENT. THE LEGISLATURE HEREBY FINDS AND DECLARES A NEED FOR CREATION OF A PUBLIC BENEFIT AUTHORITY TO PROVIDE, IN COOPERATION WITH THE U.S. VETERANS ADMINISTRATION, ENHANCED SERVICES FOR THE STATE'S VETERAN POPULATION THROUGH THE DEVELOPMENT OF ADDITIONAL LONG TERM HEALTH CARE SERVICES. SUCH AUTHORITY WILL:

1. CONSTRUCT AND OPERATE HIGH QUALITY PATIENT CARE DELIVERY TO THE STATE'S VETERANS;

2. RESPOND RAPIDLY TO CHANGES IN THE HEALTH CARE ENVIRONMENT SUCH AS SHORTAGES IN KEY HEALTH PROFESSIONS LIKE THE CURRENT NURSING AND PHYSICAL THERAPIST SHORTAGES;

3. REACT IMMEDIATELY TO PHYSICAL PLANT AND OPERATIONAL PROBLEMS;

4. MAKE TO THE EXTENT PRACTICABLE MAXIMUM USE OF FEDERAL FUNDS AND CAPITAL GRANT FUNDS FROM THE VA STATE HOME PROGRAM TO BE USED FOR CONSTRUCTION AND RENOVATION OF FACILITIES;

5. PROVIDE FOR THE EDUCATION OF PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS IN GERONTOLOGY, THE PROVISION OF INNOVATIVE CARE DELIVERY AND RESPONDING TO EMERGING PUBLIC HEALTH NEEDS OF THE STATE'S VETERANS POPULATION;

6. GUIDE COMPREHENSIVE PLANNING, RESOURCE ALLOCATION AND PATIENT CARE EVALUATIVE PROCESSES;

7. ESTABLISH THE HIGHEST QUALITY OF CARE STANDARDS;

8. PROMOTE HIGH SELF-ESTEEM, DIGNITY, AND QUALITY OF LIFE AMONG THE DESERVING RESIDENTS OF THE VETERANS NURSING HOMES WHO HAVE SERVED THEIR COUNTRY WITH HONOR, LOYALTY AND DEDICATION;

9. ESTABLISH A SUPPORTIVE WORKING ENVIRONMENT FOR THE DIRECT CARE STAFF, BEING COGNIZANT OF THE VITAL ROLE THEY PLAY IN THE OPERATION OF THE HOMES, AND THE PHYSICAL AND EMOTIONAL STRAIN CONFRONTING THOSE IN THE HEALTH CARE PROFESSION;

10. PROVIDE THE HIGHEST LEVEL OF CARE AT THE LOWEST POSSIBLE COST TO THE VETERAN AND FAMILY OF THE VETERAN; AND

11. PRESENT A BALANCED BUDGET ACCORDING TO GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

S 2489-A. VETERANS LONG TERM HEALTH CARE AUTHORITY. A BOARD, TO BE KNOWN AS "VETERANS LONG TERM HEALTH CARE AUTHORITY," IS HEREBY CREATED. SUCH BOARD SHALL BE A BODY CORPORATE AND POLITIC CONSTITUTING A PUBLIC BENEFIT AUTHORITY. IT SHALL CONSIST OF THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS, THE DIRECTOR OF THE STATE OFFICE FOR THE AGING, THE COMMISSIONER OF HEALTH, THE SUPERINTENDENT OF INSURANCE, THE CHANCELLOR OF THE STATE UNIVERSITY AND THREE VETERANS EACH TO BE SELECTED BY THE SPEAKER OF THE ASSEMBLY AND THE SENATE MAJORITY LEADER. THE PRESIDENT OF THE AUTHORITY SHALL BE THE DIRECTOR OF THE DIVISION OF VETERANS' AFFAIRS. THE MEMBERS OF THE BOARD SHALL BE ENTITLED TO NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ALL EXPENSES INCURRED OR TO BE INCURRED, IN CONNECTION THEREWITH. THE POWER OF SUCH AUTHORITY SHALL BE VESTED IN AND EXERCISED BY THE BOARD AND A MAJORITY OF THE MEMBERS OF THE BOARD THEN IN OFFICE SHALL CONSTITUTE A QUORUM. THE BOARD MAY DELEGATE TO ONE OR MORE OF ITS MEMBERS, OR TO ITS AGENTS AND EMPLOYEES, SUCH POWERS AND DUTIES AS IT MAY DEEM PROPER. THE BOARD SHALL BE DEEMED A HEALTH CARE PROVIDER FOR PURPOSES OF ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW. THE STAFF OF THE AUTHORITY SHALL BE DEEMED PUBLIC EMPLOYEES FOR ALL PURPOSES INCLUDING RETIREMENT

PURPOSES. THE MEMBERS OF THE BOARD AND EMPLOYEES OF THE BOARD SHALL BE GRANTED DEFENSE AND INDEMNIFICATION PRIVILEGES GRANTED TO STATE OFFICERS AND EMPLOYEES PURSUANT TO SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

S 2489-B. PURPOSE AND DUTY OF THE AUTHORITY. THE PURPOSE AND DUTY OF THE AUTHORITY IS TO ACQUIRE LAND IN THE STATE AND TO DEVELOP, IMPROVE, EMBELLISH, MAINTAIN AND OPERATE ON SUCH LAND LONG TERM HEALTH CARE FACILITIES FOR NEW YORK STATE VETERANS, AND TO DETERMINE AND CHARGE FEES FOR ADMISSION THERETO AND THE USE THEREOF SUFFICIENT WITH OTHER REVENUES TO MEET ITS EXPENSES AND PAY ALL DEBTS CONTRACTED BY IT, AND THE AUTHORITY SHALL HAVE POWER TO DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT SUCH PURPOSE AND DUTY IN ADDITION TO THE EXPRESS POWERS CONFERRED IN THIS TITLE.

S 2489-C. POWERS OF THE AUTHORITY. THE AUTHORITY SHALL HAVE POWER:

1. TO SUE AND BE SUED;

2. TO HAVE A SEAL AND ALTER THE SAME AT PLEASURE;

3. TO ACQUIRE, HOLD AND DISPOSE OF REAL AND PERSONAL PROPERTY OR INTERESTS THEREIN IN ITS OWN NAME, SUBJECT TO MORTGAGES OR OTHER LIENS OR OTHERWISE AND TO PAY THEREFOR IN CASH OR ON CREDIT, AND TO GIVE MORTGAGES THEREON IN FULL OR PART PAYMENT THEREFOR OR OTHERWISE TO SECURE OR PROCURE PAYMENT OF ALL OR ANY PART OF THE PURCHASE PRICE THEREOF, ON SUCH TERMS AND CONDITIONS AS IT SHALL DETERMINE;

4. TO MAKE BY-LAWS FOR THE MANAGEMENT AND REGULATION OF ITS AFFAIRS;

5. TO APPOINT OFFICERS, AGENTS AND EMPLOYEES AND FIX THEIR COMPENSATION; SUBJECT, HOWEVER, TO THE PROVISIONS OF THE CIVIL SERVICE LAW;

6. TO MAKE CONTRACTS AND INCUR DEBTS AND TO EXECUTE ALL INSTRUMENTS NECESSARY OR CONVENIENT;

7. TO CHARGE FEES FOR ADMISSION TO LONG TERM HEALTH CARE FACILITIES FOR NEW YORK STATE VETERANS AND FOR THE USE OF THE FACILITIES THEREIN SUBJECT TO AND IN ACCORDANCE WITH SUCH AGREEMENTS WITH HOLDERS OF BONDS AS MAY BE MADE AS HEREINAFTER PROVIDED;

8. TO RENT, BUY, SELL AND DEAL IN, GOODS, WARES AND MERCHANDISE IN ANY WAY CONNECTED WITH THE LONG TERM HEALTH CARE FACILITIES, OR TO LEASE THE RIGHT TO EXERCISE SUCH POWERS;

9. TO OPERATE RESTAURANTS, CAFES AND OTHER PLACES FOR SERVING FOOD AND REFRESHMENTS AND TO LEASE THE RIGHT TO EXERCISE SUCH POWER;

10. TO LEASE THE RIGHT TO CONSTRUCT AND/OR USE SUCH FACILITIES ON SUCH TERMS AND FOR SUCH CONSIDERATIONS AS IT SHALL DETERMINE, PROVIDED, HOWEVER, THAT NO LEASE SHALL BE MADE FOR A PERIOD OF MORE THAN TEN YEARS FROM THE DATE WHEN IT IS MADE;

11. TO ISSUE NEGOTIABLE BONDS AND TO PROVIDE FOR THE RIGHTS OF THE HOLDERS THEREOF, AND TO SECURE THE SAME BY A MORTGAGE OR DEED OF TRUST ON ITS PROPERTY;

12. TO ENTER ON ANY LANDS, WATERS AND PREMISES FOR THE PURPOSE OF MAKING SURVEYS, SOUNDINGS, BORINGS AND EXAMINATIONS;

13. TO ACT AS LIAISON AND AGENT FOR THE STATE WITH THE FEDERAL VETERANS' ADMINISTRATION FOR PURPOSES OF RECEIVING FEDERAL FUNDS FOR CONSTRUCTION OF SUCH LONG TERM HEALTH CARE FACILITIES; AND

14. TO DO ALL THINGS NECESSARY OR CONVENIENT TO CARRY OUT THE POWERS EXPRESSLY GIVEN IN THIS ARTICLE.

S 2489-D. MONEYS OF THE AUTHORITY. 1. THE MONEYS OF THE AUTHORITY SHALL, EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BE DEPOSITED IN A GENERAL ACCOUNT AND SUCH OTHER ACCOUNTS AS THE AUTHORITY MAY DEEM NECESSARY FOR THE TRANSACTION OF ITS BUSINESS AND SHALL BE PAID OUT ON CHECKS SIGNED BY THE PRESIDENT OF THE AUTHORITY OR BY SUCH OTHER PERSON OR PERSONS AS THE AUTHORITY MAY AUTHORIZE.

1 2. ALL MONEYS OF THE AUTHORITY DERIVED FROM STATE APPROPRIATIONS OR
2 THE SALE OF BONDS AND ALL MONEYS CONSTITUTING RESERVE FUNDS SHALL BE
3 PAID TO THE COMPTROLLER OF THE STATE AS AGENT OF THE AUTHORITY, WHO
4 SHALL NOT COMMINGLE SUCH MONEYS WITH OTHER MONEYS. SUCH MONEYS SHALL BE
5 DEPOSITED IN A SEPARATE BANK ACCOUNT OR ACCOUNTS. THE MONEYS IN SUCH
6 ACCOUNTS SHALL BE PAID OUT ON CHECK OF THE COMPTROLLER ON REQUISITION OF
7 THE PRESIDENT OF THE AUTHORITY OR OF SUCH OTHER PERSON OR PERSONS AS THE
8 AUTHORITY MAY AUTHORIZE TO MAKE SUCH REQUISITIONS. ALL DEPOSITS OF SUCH
9 MONEYS SHALL, IF REQUIRED BY THE COMPTROLLER OR THE AUTHORITY, BE
10 SECURED BY OBLIGATIONS OF THE UNITED STATES OF AMERICA OR OF THE STATE
11 OF NEW YORK OF A MARKET VALUE EQUAL AT ALL TIMES TO THE AMOUNT OF THE
12 DEPOSIT AND ALL BANKS AND TRUST COMPANIES ARE AUTHORIZED TO GIVE SUCH
13 SECURITY FOR SUCH DEPOSITS.

14 S 2489-E. BONDS OF THE AUTHORITY. 1. THE AUTHORITY SHALL HAVE POWER
15 AND IS HEREBY AUTHORIZED FROM TIME TO TIME TO ISSUE ITS NEGOTIABLE BONDS
16 IN CONFORMITY WITH APPLICABLE PROVISIONS OF THE UNIFORM COMMERCIAL CODE
17 IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT EXCEEDING TWENTY-FIVE MILLION
18 DOLLARS FOR ANY CORPORATE PURPOSE. THE AUTHORITY SHALL HAVE POWER FROM
19 TIME TO TIME TO REFUND ANY BONDS BY THE ISSUANCE OF NEW BONDS, WHETHER
20 THE BONDS TO BE REFUNDED HAVE OR HAVE NOT MATURED, AND MAY ISSUE BONDS
21 PARTLY TO REFUND BONDS THEN OUTSTANDING AND PARTLY FOR ANY OTHER CORPO-
22 RATE PURPOSE. IN COMPUTING THE TOTAL AMOUNT OF BONDS OF THE AUTHORITY
23 WHICH MAY AT ANY TIME BE OUTSTANDING THE AMOUNT OF THE OUTSTANDING BONDS
24 TO BE REFUNDED FROM THE PROCEEDS OF THE SALE OF NEW BONDS OR BY EXCHANGE
25 FOR NEW BONDS SHALL BE EXCLUDED.

26 2. SUCH BONDS SHALL BE AUTHORIZED BY RESOLUTION OF THE BOARD AND
27 SHALL BE ISSUED IN ONE OR MORE SERIES, SHALL BEAR SUCH DATE OR DATES,
28 MATURE AT SUCH TIME OR TIMES, NOT EXCEEDING FORTY YEARS FROM THEIR
29 RESPECTIVE DATES, BEAR INTEREST AT SUCH RATE OR RATES, NOT EXCEEDING
30 FIVE PER CENTUM PER ANNUM PAYABLE SEMI-ANNUALLY, BE IN SUCH DENOMI-
31 NATIONS, BE IN SUCH FORM, EITHER COUPON OR REGISTERED, CARRY SUCH REGIS-
32 TRATION PRIVILEGES, BE EXECUTED IN SUCH MANNER, BE PAYABLE IN SUCH MEDI-
33 UM OF PAYMENT, AT SUCH PLACE OR PLACES, BE SUBJECT TO SUCH TERMS OF
34 REDEMPTION, AND BE DECLARED OR BECOME DUE BEFORE THE MATURITY DATE THERE-
35 OF, AS SUCH RESOLUTION OR RESOLUTIONS MAY PROVIDE. SUCH BONDS MAY BE
36 ISSUED FOR MONEY OR PROPERTY (AT PUBLIC OR PRIVATE SALE FOR SUCH PRICE
37 OR PRICES) AS THE AUTHORITY SHALL DETERMINE, PROVIDED THAT THE INTEREST
38 COST TO MATURITY OF THE MONEY OR PROPERTY (AT ITS VALUE AS DETERMINED BY
39 THE BOARD, THE DETERMINATION OF WHICH SHALL BE CONCLUSIVE) RECEIVED FOR
40 ANY ISSUE OF SUCH BONDS, SHALL NOT EXCEED FIVE PER CENTUM PER ANNUM.
41 REFUNDING BONDS EXCHANGED FOR OUTSTANDING BONDS MAY BE EXCHANGED ON SUCH
42 TERMS AND WITH SUCH CASH ADJUSTMENTS AS THE AUTHORITY SHALL DETERMINE.

43 3. IN CONNECTION WITH THE ISSUANCE OF BONDS OR IN ORDER TO SECURE THE
44 PAYMENT OF ITS BONDS THE AUTHORITY SHALL HAVE POWER:

45 (A) TO MORTGAGE ALL OR ANY PART OF ITS PROPERTY, REAL OR PERSONAL,
46 THEN OWNED OR THEREAFTER ACQUIRED;

47 (B) TO PLEDGE ALL OR ANY PART OF ITS REVENUES;

48 (C) TO COVENANT AGAINST MORTGAGING ALL OR ANY PART OF ITS PROPERTY,
49 REAL OR PERSONAL, THEN OWNED OR THEREAFTER ACQUIRED OR AGAINST PERMIT-
50 TING OR SUFFERING ANY LIEN THEREON;

51 (D) TO COVENANT AGAINST PLEDGING ALL OR ANY PART OF ITS REVENUES TO
52 WHICH ITS RIGHT THEN EXISTS OR THE RIGHT TO WHICH MAY THEREAFTER COME
53 INTO EXISTENCE;

54 (E) TO PROVIDE FOR THE RELEASE OF PROPERTY OR REVENUES FROM ANY
55 PLEDGE OR MORTGAGE, AND TO RESERVE RIGHTS AND POWERS IN, OR THE RIGHT TO
56 DISPOSE OF, PROPERTY WHICH IS SUBJECT TO A PLEDGE OR MORTGAGE;

1 (F) TO COVENANT AS TO THE BONDS TO BE ISSUED PURSUANT TO ANY MORT-
2 GAGE, DEED OF TRUST OR OTHER INSTRUMENT AND AS TO THE ISSUANCE OF SUCH
3 BONDS IN ESCROW OR OTHERWISE, AND AS TO THE USE AND DISPOSITION OF THE
4 PROCEEDS THEREOF;

5 (G) TO COVENANT AS TO WHAT OTHER, OR ADDITIONAL DEBT MAY BE INCURRED
6 BY IT;

7 (H) TO PROVIDE FOR THE TERMS, FORM, REGISTRATION, EXCHANGE, EXECUTION
8 AND AUTHENTICATION OF BONDS;

9 (I) TO PROVIDE FOR THE REPLACEMENT OF LOST, DESTROYED OR MUTILATED
10 BONDS;

11 (J) TO COVENANT THAT THE AUTHORITY WARRANTS THE TITLE TO THE PREM-
12 ISES;

13 (K) TO COVENANT AS TO THE FEES AND RENTALS TO BE CHARGED, THE AMOUNT
14 (CALCULATED AS MAY BE DETERMINED) TO BE RAISED EACH YEAR OR OTHER PERIOD
15 OF TIME BY FEES, RENTALS, AND OTHER REVENUES AND AS TO THE USE AND
16 DISPOSITION TO BE MADE THEREOF;

17 (L) TO COVENANT AS TO THE USE OF ANY OR ALL OF ITS PROPERTY, REAL OR
18 PERSONAL;

19 (M) TO COVENANT TO SET ASIDE OR PAY OVER RESERVES AND SINKING FUNDS
20 AND AS TO THE DISPOSITION THEREOF;

21 (N) TO REDEEM THE BONDS, AND TO COVENANT FOR THEIR REDEMPTION, AND TO
22 PROVIDE THE TERMS AND CONDITIONS THEREOF;

23 (O) TO COVENANT AGAINST EXTENDING THE TIME FOR THE PAYMENT OF BOND
24 INTEREST, DIRECTLY OR INDIRECTLY, BY ANY MEANS OR IN ANY MANNER;

25 (P) TO COVENANT TO MAINTAIN OFFICES AND AGENCIES FOR ANY PURPOSE
26 CONNECTED WITH ITS BONDS;

27 (Q) TO COVENANT AS TO THE MAINTENANCE OF ITS PROPERTY, THE REPLACE-
28 MENT THEREOF, THE INSURANCE TO BE CARRIED THEREON AND THE USE AND DISPO-
29 SITION OF INSURANCE MONEYS;

30 (R) TO COVENANT AS TO ITS BOOKS OF ACCOUNT AND AS TO THE INSPECTION
31 AND AUDIT THEREOF AND AS TO THE ACCOUNTING METHODS;

32 (S) TO COVENANT AND PRESCRIBE AS TO THE EVENTS OF DEFAULT AND TERMS
33 AND CONDITIONS UPON WHICH ANY OR ALL OF ITS BONDS SHALL BECOME OR MAY BE
34 DECLARED DUE BEFORE MATURITY AND AS TO THE TERMS AND CONDITIONS UPON
35 WHICH SUCH DECLARATION AND ITS CONSEQUENCES MAY BE WAIVED;

36 (T) TO COVENANT AS TO THE RIGHTS, LIABILITIES, POWERS AND DUTIES
37 ARISING UPON THE BREACH BY IT OF ANY COVENANT, CONDITION, OR OBLIGATION;

38 (U) TO VEST IN A TRUSTEE OR TRUSTEES THE RIGHT TO ENFORCE ANY COVEN-
39 ANT MADE TO SECURE, TO PAY OR IN RELATION TO THE BONDS, OR TO FORECLOSE
40 ANY MORTGAGE, TO PROVIDE FOR THE POWERS AND DUTIES OF SUCH TRUSTEE OR
41 TRUSTEES, TO LIMIT LIABILITIES THEREOF AND TO PROVIDE THE TERMS AND
42 CONDITIONS UPON WHICH THE TRUSTEE OR TRUSTEES OR THE HOLDERS OF BONDS OR
43 ANY PROPORTION OF THEM MAY ENFORCE ANY SUCH COVENANT OR EXERCISE THE
44 RIGHT OF FORECLOSURE;

45 (V) TO MAKE COVENANTS IN ADDITION TO THE COVENANTS HEREIN EXPRESSLY
46 AUTHORIZED, OF LIKE OR DIFFERENT CHARACTER;

47 (W) TO EXECUTE ALL MORTGAGES, BILLS OF SALE, CONVEYANCES, DEEDS OF
48 TRUST AND OTHER INSTRUMENTS NECESSARY OR CONVENIENT IN THE EXERCISE OF
49 THE POWERS HEREIN GRANTED OR IN THE PERFORMANCE OF ITS COVENANTS OR
50 DUTIES; AND

51 (X) TO MAKE SUCH COVENANTS AND TO DO ANY AND ALL SUCH ACTS AND THINGS
52 AS MAY BE NECESSARY OR CONVENIENT OR DESIRABLE IN ORDER TO SECURE ITS
53 BONDS, OR IN THE ABSOLUTE DISCRETION OF THE BOARD TEND TO MAKE THE BONDS
54 MORE MARKETABLE, NOTWITHSTANDING THAT SUCH COVENANTS, ACTS OR THINGS MAY
55 NOT BE ENUMERATED HEREIN AND NOTWITHSTANDING THAT SUCH COVENANTS, ACTS
56 OR THINGS MAY RESTRICT OR INTERFERE WITH THE CARRYING OUT OF ITS CORPO-

1 RATE PURPOSE; IT BEING THE INTENTION HEREOF TO GIVE THE AUTHORITY POWER
2 TO DO ALL THINGS IN THE ISSUANCE OF BONDS, AND FOR THEIR SECURITY THAT A
3 BUSINESS AUTHORITY CAN DO UNDER THE GENERAL LAWS OF THE STATE AND NO
4 CONSENT OR APPROVAL OF ANY JUDGE OR COURT SHALL BE REQUIRED THEREFOR.

5 S 2489-F. STATE NOT LIABLE ON BONDS. THE BONDS AND OTHER OBLIGATIONS
6 OF THE AUTHORITY SHALL NOT BE A DEBT OF THE STATE AND THE STATE SHALL
7 NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER
8 THAN THOSE OF THE AUTHORITY, PROVIDED, HOWEVER, THAT THE STATE SHALL
9 ASSUME WHATEVER LIABILITY IS REQUIRED FOR FEDERAL VETERANS' ADMINIS-
10 TRATION PARTICIPATION IN THE CONSTRUCTING OF LONG TERM HEALTH CARE
11 FACILITIES FOR VETERANS AND PER DIEM PAYMENTS ON BEHALF OF VETERANS IN
12 SUCH FACILITIES.

13 S 2489-G. BONDS LEGAL INVESTMENTS FOR PUBLIC OFFICERS AND FIDUCIARIES.
14 THE BONDS ARE HEREBY MADE SECURITIES IN WHICH ALL PUBLIC OFFICERS AND
15 BODIES OF THIS STATE AND ALL MUNICIPALITIES AND MUNICIPAL SUBDIVISIONS,
16 ALL INSURANCE COMPANIES AND ASSOCIATIONS AND OTHER PERSONS CARRYING ON
17 AN INSURANCE BUSINESS, ALL BANKS, BANKERS, TRUST COMPANIES, SAVINGS
18 BANKS AND SAVINGS ASSOCIATIONS, INCLUDING SAVINGS AND LOAN ASSOCIATIONS,
19 BUILDING AND LOAN ASSOCIATIONS, INVESTMENT COMPANIES AND OTHER PERSONS
20 CARRYING ON A BANKING BUSINESS, ALL ADMINISTRATORS, GUARDIANS, EXECU-
21 TORS, TRUSTEES AND OTHER FIDUCIARIES AND ALL OTHER PERSONS WHATSOEVER
22 WHO ARE NOW OR MAY HEREAFTER BE AUTHORIZED TO INVEST IN BONDS OR OTHER
23 OBLIGATIONS OF THE STATE, MAY PROPERLY AND LEGALLY INVEST FUNDS, INCLUD-
24 ING CAPITAL, IN THEIR CONTROL OR BELONGING TO THEM. THE BONDS ARE ALSO
25 HEREBY MADE SECURITIES WHICH MAY BE DEPOSITED WITH AND SHALL BE RECEIVED
26 BY ALL PUBLIC OFFICERS AND BODIES OF THIS STATE AND ALL MUNICIPALITIES
27 AND MUNICIPAL SUBDIVISIONS FOR ANY PURPOSE FOR WHICH THE DEPOSIT OF
28 BONDS OR OTHER OBLIGATIONS OF THIS STATE IS NOW OR MAY HEREAFTER BE
29 AUTHORIZED.

30 S 2489-H. BONDS TO BE TAX EXEMPT. THE BONDS SHALL BE EXEMPT FROM
31 TAXATION EXCEPT FOR TRANSFER AND ESTATE TAXES.

32 S 2489-I. RIGHTS AND REMEDIES OF CREDITORS. 1. ALL REAL AND PERSONAL
33 PROPERTY, INCLUDING FEES AND REVENUES OF THE AUTHORITY AND DEBTS OWING
34 TO IT ARE EXEMPT FROM LEVY AND SALE BY VIRTUE OF AN EXECUTION AND NO
35 EXECUTION OR OTHER JUDICIAL PROCESS SHALL ISSUE AGAINST THE SAME. NO
36 JUDGMENT AGAINST THE AUTHORITY SHALL BE A CHARGE UPON REAL PROPERTY OR
37 CHATTELS REAL OF THE AUTHORITY. THIS CLAUSE SHALL NOT LIMIT THE RIGHTS
38 OF MORTGAGEES AND PLEDGEEES TO ENFORCE THEIR LIEN OR OTHER RIGHTS BY ANY
39 APPROPRIATE SUIT, ACTION OR PROCEEDING.

40 2. ANY PURCHASER AT A SALE OF PROPERTY OF THE AUTHORITY PURSUANT TO A
41 JUDGMENT IN AN ACTION TO FORECLOSE A MORTGAGE THEREON SHALL OBTAIN TITLE
42 FREE FROM ANY TRUST OR OTHER OBLIGATION TO OPERATE OR MAINTAIN SUCH
43 PROPERTY AS A LONG TERM HEALTH CARE FACILITY FOR NEW YORK STATE VETERANS
44 AND FREE FROM ANY OBLIGATION TO THE PUBLIC OR THE STATE AS TO ITS USE OR
45 DISPOSITION.

46 3. ANY CREDITOR OF THE AUTHORITY, INCLUDING A TRUSTEE FOR BONDHOLD-
47 ERS, SHALL HAVE THE RIGHT, SUBJECT TO ANY CONTRACTUAL LIMITATIONS BIND-
48 ING UPON SUCH CREDITOR OR TRUSTEE, AND SUBJECT TO THE PRIOR OR SUPERIOR
49 RIGHTS OF OTHERS,

50 (A) BY SUIT, ACTION OR SPECIAL PROCEEDING, TO ENFORCE HIS RIGHTS
51 AGAINST THE AUTHORITY AND THE BOARD, INCLUDING THE RIGHT TO REQUIRE THE
52 AUTHORITY AND THE BOARD TO COLLECT FEES AND REVENUES ADEQUATE TO CARRY
53 OUT ANY AGREEMENT AS TO, OR PLEDGE OF, SUCH FEES AND REVENUES AND TO
54 REQUIRE THE AUTHORITY AND THE BOARD TO CARRY OUT ANY OTHER COVENANTS AND
55 AGREEMENTS AND TO PERFORM ITS AND THEIR DUTIES UNDER THIS ARTICLE;

1 (B) BY ACTION OR SUIT IN EQUITY TO REQUIRE THE AUTHORITY TO ACCOUNT AS
2 IF IT WERE THE TRUSTEE OF AN EXPRESS TRUST;

3 (C) BY ACTION OR SUIT IN EQUITY TO ENJOIN ANY ACTS OR THINGS WHICH MAY
4 BE UNLAWFUL OR IN VIOLATION OF THE RIGHTS OF SUCH CREDITOR;

5 (D) IN THE DISCRETION OF THE COURT TO THE APPOINTMENT OF A RECEIVER OF
6 THE PROPERTY OF THE AUTHORITY OR ANY PART OR PARTS THEREOF, WHO MAY
7 ENTER AND TAKE POSSESSION OF THE PROPERTY OF THE AUTHORITY OR ANY PART
8 OR PARTS THEREOF, AND OPERATE AND MAINTAIN THE SAME AND COLLECT AND
9 RECEIVE ALL FEES, RENTALS AND OTHER REVENUES THEREAFTER ARISING THERE-
10 FROM IN THE SAME MANNER AS THE AUTHORITY ITSELF MIGHT DO, AND SHALL
11 DEPOSIT ALL SUCH MONEYS IN A SEPARATE ACCOUNT AND APPLY THE SAME IN
12 ACCORDANCE WITH THE OBLIGATIONS OF THE AUTHORITY AS THE COURT SHALL
13 DIRECT. THE AUTHORITY MAY GIVE THE HOLDERS OF ITS BONDS OR ANY TRUSTEE
14 FOR THEIR BENEFIT BY AGREEMENT THE RIGHT TO THE APPOINTMENT OF A RECEIV-
15 ER.

16 S 2489-J. EXEMPTION FROM TAXATION. THE CONSTRUCTION, MAINTENANCE AND
17 OPERATION OF ANY LONG TERM HEALTH CARE FACILITY FOR NEW YORK STATE
18 VETERANS BY THE AUTHORITY IS IN ALL RESPECTS FOR THE BENEFIT OF THE
19 PEOPLE OF THE STATE OF NEW YORK FOR THE INCREASE OF THEIR HEALTH,
20 CONVENIENCE AND WELFARE, AND THE AUTHORITY SHALL BE REGARDED AS PERFORM-
21 ING A GOVERNMENTAL FUNCTION IN CARRYING OUT ITS CORPORATE PURPOSE AND
22 SHALL BE REQUIRED TO PAY NO TAXES OR ASSESSMENTS OF ANY KIND WHATSOEVER
23 UPON ANY OF THE PROPERTY ACQUIRED BY IT, WHICH SAID PROPERTY SHALL BE
24 EXEMPT FROM TAXATION SO LONG AS THE SAME IS OWNED OR POSSESSED BY THE
25 AUTHORITY, OR UPON ITS ACTIVITIES IN THE OPERATION AND MAINTENANCE OF
26 SUCH VETERANS FACILITIES OR UPON ANY REVENUES OR OTHER INCOME RECEIVED
27 BY IT, AND ANY MORTGAGE OF REAL PROPERTY EXECUTED, GIVEN OR MADE BY THE
28 AUTHORITY SHALL BE EXEMPT FROM ANY TAX IMPOSED ON THE RECORDING THEREOF
29 AND ANY PERSON OR CORPORATION OWNING ANY DEBT OR OBLIGATION OF THE
30 AUTHORITY SECURED BY ANY MORTGAGE OF ITS REAL PROPERTY SHALL BE EXEMPT
31 FROM ANY TAX ON THE RECORDING OF SUCH MORTGAGE. NOTHING IN THIS SECTION
32 SHALL BE CONSTRUED, HOWEVER, TO IMPRESS ANY TRUST UPON SUCH PROPERTY AS
33 SUCH OR TO LIMIT THE ABSOLUTE CHARACTER OF ANY TITLE WHICH MAY BE
34 DERIVED THROUGH THE AUTHORITY BY SALE OR THE FORECLOSURE OF ANY LIEN OR
35 MORTGAGE THEREON.

36 S 2489-K. RULES AND REGULATIONS RELATING TO LONG TERM HEALTH CARE
37 FACILITIES FOR NEW YORK STATE VETERANS. THE CONSTRUCTION AND USE OF LONG
38 TERM HEALTH CARE FACILITIES FOR NEW YORK STATE VETERANS SHALL BE SUBJECT
39 TO THE RULES AND REGULATIONS OF THE AUTHORITY; PROVIDED, HOWEVER, THAT
40 THE AUTHORITY SHALL HAVE NO AUTHORITY TO ALTER OR CHANGE ANY OF THE
41 FACILITIES HEREBY PLACED UNDER THE AUTHORITY OR TO DO ANYTHING WHICH
42 WILL IMPAIR THE SECURITY OF THE BONDHOLDERS OR VIOLATE LIMITATIONS
43 CONTAINED IN ANY AGREEMENT WITH THE BONDHOLDERS.

44 S 2489-L. JURISDICTION IN CERTAIN SUITS AGAINST THE AUTHORITY. 1.
45 EXCLUSIVE JURISDICTION IS HEREBY CONFERRED UPON THE COURT OF CLAIMS TO
46 HEAR AND DETERMINE THE CLAIMS OF ANY PERSON AGAINST THE AUTHORITY (A)
47 FOR ITS TORTIOUS ACTS AND THOSE OF ITS AGENTS, AND (B) FOR BREACH OF A
48 CONTRACT RELATING TO CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, MAINTENANCE OR OPERATION, IN THE SAME MANNER AND TO THE EXTENT PROVIDED BY AND
49 SUBJECT TO THE PROVISIONS OF THE COURT OF CLAIMS ACT WITH RESPECT TO
50 CLAIMS AGAINST THE STATE, AND TO MAKE AWARDS AND RENDER JUDGMENTS THERE-
51 FOR. ALL AWARDS AND JUDGMENTS ARISING FROM SUCH CLAIMS SHALL BE PAID
52 OUT OF MONIES OF THE AUTHORITY.

53 2. AN ACTION AGAINST THE AUTHORITY FOR DEATH, PERSONAL INJURY OR PROP-
54 erty damage OR FOUNDED ON TORT SHALL NOT BE COMMENCED MORE THAN ONE YEAR
55 AND NINETY DAYS AFTER THE CAUSE OF ACTION THEREFORE SHALL HAVE OCCURRED,
56

NOR UNLESS A NOTICE OF CLAIM SHALL BE SERVED ON AN OFFICER OR EMPLOYEE OF THE AUTHORITY DESIGNATED BY THE AUTHORITY FOR SUCH PURPOSE, WITHIN THE TIME LIMITED BY AND IN COMPLIANCE WITH THE REQUIREMENTS OF SECTION FIFTY-E OF THE GENERAL MUNICIPAL LAW.

S 2489-M. MEMBERS AND EMPLOYEES NOT TO PROFIT. NO OFFICER, MEMBER OR EMPLOYEE OF THE AUTHORITY SHALL RECEIVE OR MAY BE LAWFULLY ENTITLED TO RECEIVE ANY PECUNIARY PROFIT FROM THE OPERATION THEREOF EXCEPT REASONABLE COMPENSATION FOR SERVICES IN EFFECTING ONE OR MORE OF ITS PURPOSES HEREIN SET FORTH.

S 2489-N. EQUAL EMPLOYMENT OPPORTUNITY AND MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAMS. 1. ALL CONTRACTS ENTERED INTO BY THE AUTHORITY PURSUANT TO THIS TITLE OF WHATEVER NATURE AND ALL DOCUMENTS SOLICITING BIDS OR PROPOSALS THEREFOR SHALL CONTAIN OR MAKE REFERENCE TO THE FOLLOWING PROVISIONS:

(A) THE CONTRACTOR WILL NOT DISCRIMINATE AGAINST EMPLOYEES OR APPLICANTS FOR EMPLOYMENT BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY, OR MARITAL STATUS, AND WILL UNDERTAKE OR CONTINUE EXISTING PROGRAMS OF AFFIRMATIVE ACTION TO ENSURE THAT MINORITY GROUP PERSONS AND WOMEN ARE AFFORDED EQUAL OPPORTUNITY WITHOUT DISCRIMINATION. SUCH PROGRAMS SHALL INCLUDE, BUT NOT BE LIMITED TO, RECRUITMENT, EMPLOYMENT, JOB ASSIGNMENT, PROMOTION, UPGRADING, DEMOTION, TRANSFER, LAYOFF, TERMINATION, RATES OF PAY OR OTHER FORMS OF COMPENSATION, AND SELECTION FOR TRAINING AND RETRAINING, INCLUDING APPRENTICESHIP AND ON-THE-JOB TRAINING.

(B) AT THE REQUEST OF THE AUTHORITY, THE CONTRACTOR SHALL REQUEST EACH EMPLOYMENT AGENCY, LABOR UNION, OR AUTHORIZED REPRESENTATIVE OF WORKERS WITH WHICH IT HAS A COLLECTIVE BARGAINING OR OTHER AGREEMENT OR UNDERSTANDING AND WHICH IS INVOLVED IN THE PERFORMANCE OF THE CONTRACT WITH THE AUTHORITY TO FURNISH A WRITTEN STATEMENT THAT SUCH EMPLOYMENT AGENCY, LABOR UNION OR REPRESENTATIVE SHALL NOT DISCRIMINATE BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY OR MARITAL STATUS AND THAT SUCH UNION OR REPRESENTATIVE WILL COOPERATE IN THE IMPLEMENTATION OF THE CONTRACTOR'S OBLIGATIONS HEREUNDER.

(C) THE CONTRACTOR SHALL STATE, IN ALL SOLICITATIONS OR ADVERTISEMENTS FOR EMPLOYEES PLACED BY OR ON BEHALF OF THE CONTRACTOR IN THE PERFORMANCE OF THE CONTRACT WITH THE AUTHORITY THAT ALL QUALIFIED APPLICANTS WILL BE AFFORDED EQUAL EMPLOYMENT OPPORTUNITY WITHOUT DISCRIMINATION BECAUSE OF RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE, DISABILITY OR MARITAL STATUS.

(D) THE CONTRACTOR WILL INCLUDE THE PROVISIONS OF PARAGRAPHS (A) THROUGH (C) OF THIS SUBDIVISION IN EVERY SUBCONTRACT OR PURCHASE ORDER IN SUCH A MANNER THAT SUCH PROVISIONS WILL BE BINDING UPON EACH SUBCONTRACTOR OR VENDOR AS TO ITS WORK IN CONNECTION WITH THE CONTRACT WITH THE AUTHORITY.

2. THE AUTHORITY SHALL ESTABLISH MEASURES, PROCEDURES AND GUIDELINES TO ENSURE THAT CONTRACTORS AND SUBCONTRACTORS UNDERTAKE MEANINGFUL PROGRAMS TO EMPLOY AND PROMOTE QUALIFIED MINORITY GROUP MEMBERS AND WOMEN. SUCH PROCEDURES MAY REQUIRE AFTER NOTICE IN A BID SOLICITATION, THE SUBMISSION OF A MINORITY AND WOMEN WORKFORCE UTILIZATION PROGRAM PRIOR TO THE AWARD OF ANY CONTRACT, OR AT ANY TIME THEREAFTER, AND MAY REQUIRE THE SUBMISSION OF COMPLIANCE REPORTS RELATING TO THE OPERATION AND IMPLEMENTATION OF ANY WORKFORCE UTILIZATION PROGRAM ADOPTED HEREUNDER. THE AUTHORITY MAY TAKE APPROPRIATE ACTION, INCLUDING THE IMPOSITIONS OF SANCTIONS FOR NON-COMPLIANCE TO EFFECTUATE THE PROVISIONS OF THIS SECTION AND SHALL BE RESPONSIBLE FOR MONITORING COMPLIANCE WITH THIS TITLE.

1 3. IN THE PERFORMANCE OF PROJECTS PURSUANT TO THIS TITLE, MINORITY AND
2 WOMEN-OWNED BUSINESS ENTERPRISES SHALL BE GIVEN THE OPPORTUNITY FOR
3 MEANINGFUL PARTICIPATION. THE AUTHORITY SHALL ESTABLISH QUANTIFIABLE
4 STANDARDS AND MEASURES AND PROCEDURES TO SECURE MEANINGFUL PARTICIPATION
5 AND IDENTIFY THOSE CONTRACTS AND ITEMS OF WORK FOR WHICH MINORITY AND
6 WOMEN-OWNED BUSINESS ENTERPRISES MAY BEST BID TO ACTIVELY AND AFFIRMA-
7 TIVELY PROMOTE AND ASSIST THEIR PARTICIPATION IN PROJECTS, SO AS TO
8 FACILITATE THE AWARD OF A FAIR SHARE OF CONTRACTS TO SUCH ENTERPRISES;
9 PROVIDED, HOWEVER, THAT NOTHING IN THIS TITLE SHALL BE CONSTRUED TO
10 LIMIT THE ABILITY OF THE AUTHORITY TO ASSURE THAT QUALIFIED MINORITY AND
11 WOMEN-OWNED BUSINESS ENTERPRISES MAY PARTICIPATE IN THE PROGRAM. FOR
12 PURPOSES HEREOF, MINORITY BUSINESS ENTERPRISE SHALL MEAN ANY BUSINESS
13 ENTERPRISE WHICH IS AT LEAST FIFTY-ONE PER CENTUM OWNED BY, OR IN THE
14 CASE OF A PUBLICLY OWNED BUSINESS, AT LEAST FIFTY-ONE PER CENTUM OF THE
15 STOCK OR OTHER VOTING INTEREST IS OWNED BY CITIZENS OR PERMANENT RESI-
16 DENT ALIENS WHO ARE BLACK, HISPANIC, ASIAN, AMERICAN INDIAN, PACIFIC
17 ISLANDER, OR ALASKAN NATIVE, AND SUCH OWNERSHIP INTEREST IS REAL,
18 SUBSTANTIAL AND CONTINUING AND HAS THE AUTHORITY TO INDEPENDENTLY
19 CONTROL THE DAY TO DAY BUSINESS DECISIONS OF THE ENTITY FOR AT LEAST ONE
20 YEAR; AND WOMEN-OWNED BUSINESS ENTERPRISE SHALL MEAN ANY BUSINESS ENTER-
21 PRISE WHICH IS AT LEAST FIFTY-ONE PER CENTUM OWNED BY, OR IN THE CASE OF
22 A PUBLICLY OWNED BUSINESS, AT LEAST FIFTY-ONE PER CENTUM OF THE STOCK TO
23 OTHER VOTING INTERESTS OF WHICH IS OWNED BY CITIZENS OR PERMANENT RESI-
24 DENT ALIENS WHO ARE WOMEN, AND SUCH OWNERSHIP INTEREST IS REAL, SUBSTAN-
25 TIAL AND CONTINUING AND HAS THE AUTHORITY TO INDEPENDENTLY CONTROL THE
26 DAY TO DAY BUSINESS DECISIONS OF THE ENTITY FOR AT LEAST ONE YEAR.

27 THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE CONSTRUED TO LIMIT THE
28 ABILITY OF ANY MINORITY BUSINESS ENTERPRISE TO BID ON ANY CONTRACT.

29 4. IN ORDER TO IMPLEMENT THE REQUIREMENTS AND OBJECTIVES OF THIS
30 SECTION, THE AUTHORITY SHALL ESTABLISH PROCEDURES TO MONITOR CONTRACTORS
31 COMPLIANCE WITH PROVISIONS HEREOF, PROVIDE ASSISTANCE IN OBTAINING
32 COMPETING QUALIFIED MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES TO
33 PERFORM CONTRACTS PROPOSED TO BE AWARDED, IMPOSE CONTRACTUAL SANCTIONS
34 FOR NON-COMPLIANCE, AND TAKE OTHER APPROPRIATE MEASURES TO IMPROVE THE
35 ACCESS OF MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISES TO THESE
36 CONTRACTS.

37 S 2489-O. AUDIT AND ANNUAL REPORTS. THE ACCOUNTS OF THE AUTHORITY
38 SHALL BE SUBJECT TO THE SUPERVISION OF THE STATE COMPTROLLER AND AN
39 ANNUAL AUDIT SHALL BE PERFORMED BY AN INDEPENDENT CERTIFIED ACCOUNTANT
40 SELECTED BY THE STATE DIVISION OF THE BUDGET. THE AUTHORITY SHALL SUBMIT
41 ANNUALLY TO THE GOVERNOR, THE STATE COMPTROLLER, THE TEMPORARY PRESIDENT
42 OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY, A DETAILED REPORT PURSU-
43 ANT TO THE PROVISIONS OF SECTION TWENTY-EIGHT HUNDRED OF THIS CHAPTER,
44 WHICH REPORT SHALL BE VERIFIED BY THE PRESIDENT OF THE AUTHORITY. THE
45 AUTHORITY SHALL COMPLY WITH THE PROVISIONS OF SECTIONS TWENTY-EIGHT
46 HUNDRED ONE, TWENTY-EIGHT HUNDRED TWO AND TWENTY-EIGHT HUNDRED THREE OF
47 THIS CHAPTER.

48 S 2489-P. AUTHORITY SUBJECT TO OPEN MEETINGS LAW. THE AUTHORITY SHALL
49 BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW
50 RELATING TO THE OPEN MEETINGS LAW.

51 S 2489-Q. TITLE NOT AFFECTED IF IN PART UNCONSTITUTIONAL OR INEFFECT-
52 TIVE. IF ANY SECTION, CLAUSE OR PROVISION OF THIS TITLE SHALL BE UNCON-
53 STITUTIONAL OR BE INEFFECTIVE IN WHOLE OR IN PART, TO THE EXTENT THAT IT
54 IS NOT UNCONSTITUTIONAL OR INEFFECTIVE IT SHALL BE VALID AND EFFECTIVE
55 AND NO OTHER SECTION, CLAUSE OR PROVISION SHALL ON ACCOUNT THEREOF BE
56 DEEMED INVALID OR INEFFECTIVE.

1 S 2489-R. INCONSISTENT PROVISIONS IN OTHER ACTS SUPERSEDED. INSOFAR
2 AS THE PROVISIONS OF THIS TITLE ARE INCONSISTENT WITH THE PROVISIONS OF
3 ANY OTHER ACT, GENERAL OR SPECIAL, THE PROVISIONS OF THIS TITLE SHALL BE
4 CONTROLLING.

5 S 2. This act shall take effect immediately.