

# STATE OF NEW YORK

9665

## IN ASSEMBLY

March 27, 2024

Introduced by M. of A. GALLAHAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to enacting the "Seneca county water and sewer authority act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 5 of the public authorities law is amended by  
2 adding a new title 6-E to read as follows:

3 TITLE 6-E

4 SENECA COUNTY WATER AND SEWER AUTHORITY

5 Section 1149. Short title.

6 1149-a. Definitions.

7 1149-b. Seneca county water and sewer authority district.

8 1149-c. Seneca county water and sewer authority.

9 1149-d. Powers of the authority.

10 1149-e. Advances on behalf of the authority; transfer of property  
11 to the authority; acquisition of property by county  
12 for the authority.

13 1149-f. Transfer of officers and employees.

14 1149-g. Bonds of the authority.

15 1149-h. Remedies of bondholders.

16 1149-i. State and municipalities not liable on authority bonds.

17 1149-j. Moneys of the authority.

18 1149-k. Bonds legal investments for fiduciaries.

19 1149-l. Agreement with the state.

20 1149-m. Exemption from taxes, assessments and certain fees;  
21 payments in lieu of taxes.

22 1149-n. Actions against the authority.

23 1149-o. Interest in contracts prohibited.

24 1149-p. Construction and purchase contracts.

25 1149-q. Authority to take affirmative action.

26 1149-r. Audit and annual report.

27 1149-s. Environmental applications, proceedings, approvals and  
28 permits.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD14548-01-4

1 1149-t. Limited liability.

2 1149-u. Governmental capacity of the authority and munici-  
3 palities.

4 1149-v. Separability clause.

5 1149-w. Effect of inconsistent provisions.

6 § 1149. Short title. This title shall be known and may be cited as the  
7 "Seneca county water and sewer authority act".

8 § 1149-a. Definitions. As used or referred to in this title, unless a  
9 different meaning clearly appears from the context:

10 1. "Authority" shall mean the corporation created by section one thou-  
11 sand one hundred forty-nine-c of this title.

12 2. "Board" shall mean the members of the authority constituting and  
13 acting as the governing board of the authority.

14 3. "Board of supervisors" shall mean the board of supervisors of Seneca  
15 county.

16 4. "Bonds" shall mean the bonds, notes or other evidences of indebt-  
17 edness issued by the authority pursuant to this title, and the  
18 provisions of this title relating to bonds and bondholders shall apply  
19 with equal force and effect to notes and noteholders, respectively,  
20 unless the context otherwise clearly requires.

21 5. "Civil service commission" shall mean the civil service commission  
22 of the county of Seneca.

23 6. "Comptroller" shall mean the comptroller of the state of New York.

24 7. "Construction" shall mean the negotiation, acquisition, erection,  
25 building, alteration, improvement, testing, increase, enlargement,  
26 extension, reconstruction, interconnection, renovation or rehabilitation  
27 of a water, sewerage or water and sewerage facility, as the case may be;  
28 the inspection and supervision thereof; and the engineering, architect-  
29 ural, legal, appraisal, fiscal, economic and environmental investi-  
30 gations, services and studies, surveys, designs, plans, working draw-  
31 ings, specifications, procedures and other actions preliminary or  
32 incidental thereto.

33 8. "Costs", as applied to any project, shall include the cost of  
34 construction, the cost of the acquisition of all property, including  
35 both real, personal and mixed, the cost of demolishing, removing or  
36 relocating any buildings or structures on lands so acquired, including  
37 the cost of acquiring any land to which such buildings or structures may  
38 be moved or relocated, the cost of all systems, facilities, machinery,  
39 apparatus and equipment, financing charges, interest prior to, during  
40 and after construction to the extent not paid or provided for from  
41 revenues or other sources, the cost of engineering and architectural  
42 surveys, plans and specifications, the cost of consultant and legal  
43 services, the cost of lease guarantee or bond insurance or other credit  
44 enhancement associated with bonds of the authority (including notes) and  
45 the cost of other expenses necessary or incidental to the construction  
46 of such project and the financing of the construction thereof, including  
47 the amount authorized in the resolution of the authority providing for  
48 the issuance of bonds to be paid into any reserve or other special fund  
49 from the proceeds of such bonds and the financing of the placing of any  
50 project in operation, including the reimbursement to the county, or any  
51 municipality, state agency, the state, the United States government, or  
52 any other person for expenditures made by them that would be costs of  
53 the project hereunder.

54 9. "County" shall mean the county of Seneca.

55 10. "Distribution system" shall mean the water facility or facilities  
56 employed to deliver water from a transmission facility, or where there

1 is no transmission facility, from a supply facility, to the ultimate  
2 consumers of water.

3 11. "District" shall mean the Seneca county water and sewer authority  
4 district created by section eleven hundred forty-nine-b of this title.

5 12. "Governing body" shall mean:

6 (a) In the case of a city, county, town or village or district corpo-  
7 ration the finance board as such term is defined in the local finance  
8 law;

9 (b) In the case of a public benefit corporation, the members thereof.

10 13. "Members" shall mean the members of the board.

11 14. "Municipality" shall mean any county, city, town, village,  
12 improvement district under the town law, any other such instrumentality,  
13 including any agency or public corporation of the state, or any of the  
14 foregoing or any combination thereof.

15 15. "Person" shall mean any natural person, partnership, association,  
16 joint venture or corporation, exclusive of a public corporation.

17 16. "Real property" shall mean lands, structures, franchises, rights  
18 and interests in land, waters, lands underwater, groundwater, riparian  
19 rights and air rights and any and all things and rights included within  
20 said term "real property" and includes not only fee simple absolute, but  
21 also any and all lesser interests including, but not limited to, ease-  
22 ments, rights-of-way, uses, leases, licenses and all other incorporeal  
23 hereditaments and every estate, interest or right, legal or equitable,  
24 including terms for years and liens thereon by way of judgments, mort-  
25 gages or otherwise.

26 17. "State sanitary code" shall mean regulations adopted pursuant to  
27 section two hundred twenty-five of the public health law.

28 18. "Sewage" means the water-carried human or animal wastes from resi-  
29 dences, buildings, industrial establishments or other places, together  
30 with such groundwater infiltration and surface water as may be present.  
31 The admixture with sewage of industrial or other waste also shall be  
32 considered "sewage" within the meaning of this title.

33 19. "Sewerage facility" or "sewerage facilities" means any plants,  
34 structures and other real and personal property acquired, rehabilitated  
35 or constructed or planned for the purpose of collecting, conveying,  
36 pumping, treating, neutralizing, storing and disposing of sewage,  
37 including but not limited to main, trunk, intercepting, connecting,  
38 lateral, outlet or other sewers, outfalls, pumping stations, treatment  
39 and disposal plants, groundwater recharge basins, back-flow prevention  
40 devices, sludge dewatering or disposal equipment and facilities, clari-  
41 fiers, filters, phosphorus removal equipment and other plants, works,  
42 structures, equipment, vehicles, conveyances, contract rights, fran-  
43 chises, approaches, connections, permits, real or personal property or  
44 rights therein and appurtenances thereto necessary or useful and conven-  
45 ient for the collection, conveyance, pumping, treatment, neutralizing,  
46 storing and disposing of sewage.

47 20. "State" shall mean the state of New York.

48 21. "State agency" shall mean any state office, public benefit corpo-  
49 ration, department, board, commission, bureau or division, or other  
50 agency or instrumentality of the state.

51 22. "Supply facility" shall mean a water facility employed to make  
52 groundwater or surface water available for delivery into a transmission  
53 facility or distribution system.

54 23. "System revenues" shall mean all rates, rents, fees, charges,  
55 payments and other income and receipts derived by the authority includ-  
56 ing, without limiting the generality of the foregoing, investment

1 proceeds and proceeds of insurance, condemnation, sales or other dispo-  
2 sitions of assets, together with all federal, state or municipal aid as  
3 well as any other income derived from the operation of the water facili-  
4 ty of the authority.

5 24. "Transmission facility" shall mean a water facility used to carry  
6 water from a supply facility to a distribution system.

7 25. "Treasurer" shall mean the treasurer of the authority.

8 26. "Water facility" or "water facilities" shall mean any plants,  
9 structures or other real and personal property acquired, rehabilitated  
10 or constructed or planned for the purpose of accumulating, supplying,  
11 transmitting, distributing or treating water, including but not limited  
12 to surface or groundwater reservoirs, basins, dams, canals, aqueducts,  
13 standpipes, conduits, pipelines, mains, pumping stations, pumps, water  
14 distribution systems, compensating reservoirs, intake stations, water-  
15 works or sources of water supply, wells, purification or filtration  
16 plants or other treatment plants and works, approaches, connections,  
17 water meters, rights of flowage or diversion and other plants, struc-  
18 tures, equipment, vehicles, towers, conveyances, real or personal prop-  
19 erty or rights therein and appurtenances thereto necessary or useful and  
20 convenient for the accumulation, supply, transmission, treatment or  
21 distribution of water.

22 27. "Water project" shall mean any sewerage facility, water facility  
23 or water and sewerage facility, as the case may be, including the plan-  
24 ning, development, financing or construction thereof.

25 28. "Watershed rules" shall mean the rules and regulations made by the  
26 department of health pursuant to section eleven hundred of the public  
27 health law.

28 § 1149-b. Seneca county water and sewer authority district. There is  
29 hereby defined and established a district to be known as the "Seneca  
30 county water and sewer authority district" which shall embrace all of  
31 the territory located within the county of Seneca.

32 § 1149-c. Seneca county water and sewer authority. 1. A public corpo-  
33 ration known as the "Seneca county water and sewer authority" is hereby  
34 created for the public purposes and charged with the duties and having  
35 the powers provided in this title.

36 The authority shall be a corporate governmental agency constituting a  
37 public benefit corporation and shall be a "public district" for the  
38 purposes of section eighty-nine-1 of the public service law. The author-  
39 ity shall be governed by a board consisting of nine members, who shall  
40 be residents of the county and be appointed by the chairperson of the  
41 board of supervisors and confirmed by the board of supervisors.

42 The first members appointed shall be appointed for the following  
43 terms: three for a term ending on December thirty-first of the year  
44 following the year in which this title shall have become law; three for  
45 a term ending on December thirty-first of the second year following the  
46 year in which this title shall have become law; and three for a term  
47 ending on December thirty-first of the third year following the year in  
48 which this title shall have become law.

49 Subsequent appointment of members shall be made in the same manner and  
50 for terms of three years ending in each case on December thirty-first of  
51 the last year of such term. All members shall continue to hold office  
52 until their successors are appointed and have qualified.

53 Vacancies shall be filled in the manner provided for original appoint-  
54 ment. Vacancies occurring otherwise than by expiration of terms of  
55 office, shall be filled by appointment for the unexpired terms.

1 Members may be removed from office for the same reasons and in the  
2 same manner as may be provided by law for the removal of officers of the  
3 county. In addition, members may be removed from office by the board of  
4 supervisors for inefficiency, neglect of duty or misconduct in office,  
5 after the board of supervisors has given such member a copy of the  
6 charges against such member and opportunity to be heard in person or by  
7 counsel in such member's defense, upon not less than ten days notice.

8 If a member fails to attend three consecutive regular meetings of the  
9 authority, unless such absence is for good cause and is excused by the  
10 chairperson of the authority or other presiding officers, or in the case  
11 of the chairperson of the authority, by the chairperson of the board of  
12 supervisors, the office may be deemed vacant for purposes of the nomi-  
13 nation and appointment of a successor.

14 The officers of the authority shall receive from the authority such  
15 salary, if any, as shall be determined from time to time by the board of  
16 supervisors. In addition, members and officers shall be entitled to  
17 reimbursement of their actual and necessary expenses, including travel  
18 expenses, incurred in the discharge of their duties.

19 2. The powers of the authority shall be vested in and shall be exer-  
20 cised by the board at a meeting duly called and held where a quorum of  
21 five members is present. No action shall be taken by the authority  
22 except pursuant to the favorable vote of at least five members. The  
23 board may delegate to one or more of its members, or to one or more of  
24 the officers, agents or employees of the authority, such powers and  
25 duties as it may deem proper.

26 3. The officers of the authority shall consist of a chairperson, vice  
27 chairperson, and treasurer who shall be members of the board and a  
28 secretary who need not be a member of the board. The officers of the  
29 authority shall be appointed by the board and shall serve in such capac-  
30 ities at the pleasure of the board.

31 In addition, the board may appoint and at its pleasure remove such  
32 additional officers and employees as it may determine necessary for the  
33 performance of the powers and duties of the authority, which positions  
34 shall be in the exempt class of the civil service, and fix and determine  
35 the qualifications, duties and compensation of such additional officers  
36 and employees, subject to the provisions of the civil service law of the  
37 state and such rules as the civil service commission may adopt and make  
38 applicable to the authority.

39 The authority may also from time to time contract for expert profes-  
40 sional services. The treasurer shall execute a bond, conditioned upon  
41 the faithful performance of the duties of such treasurer's office, the  
42 amount and sufficiency of which shall be approved by the board, and the  
43 premium therefor shall be paid by the authority.

44 4. Notwithstanding any inconsistent provision of any general, special  
45 or local law, ordinance, resolution or charter, no officer, member or  
46 employee of the state, any municipality, or any public benefit corpo-  
47 ration, shall forfeit such officer, member or employee's office or  
48 employment by reason of such officer, member or employee's acceptance of  
49 appointment as a member, officer, agent or employee of the authority,  
50 nor shall service as such member, officer, agent or employee be deemed  
51 incompatible or in conflict with such office, membership or employment,  
52 and one or more members of the board of supervisors may be appointed to  
53 serve as a member of the authority.

54 5. (a) The chairperson of the board of supervisors shall file within  
55 one year after the effective date of this title, in the office of the  
56 secretary of state, a certificate signed by the chairperson of the board

1 of supervisors setting forth: (i) the name of the authority; (ii) the  
2 names of the initial members of the board and their terms of office; and  
3 (iii) the effective date of this title. If such certificate is not filed  
4 with the secretary of state on or before such date, then the corporate  
5 existence of the authority shall thereupon terminate and it shall there-  
6 upon be deemed to be and shall be dissolved.

7 (b) The authority and its corporate existence shall continue until  
8 terminated by law, provided, however, that no such law shall take effect  
9 so long as the authority shall have bonds or other obligations outstand-  
10 ing unless adequate provision has been made for the payment or satisfac-  
11 tion thereof. Upon termination of the existence of the authority, all of  
12 the rights and properties of the authority then remaining shall pass to  
13 and vest in the county.

14 6. Neither the public service commission nor any other board or  
15 commission of like character, shall have jurisdiction over the authority  
16 in the management and control of its properties or operations of any  
17 power over the regulation of rates fixed or charges collected by the  
18 authority.

19 7. It is hereby determined and declared that the authority and the  
20 carrying out of its powers, purposes and duties are in all respects for  
21 the benefit of the people of the county and the state, for the improve-  
22 ment of their health, welfare and prosperity and that such purposes are  
23 public purposes and that the authority is and will be performing an  
24 essential governmental function in the exercise of the powers conferred  
25 upon it by this title.

26 § 1149-d. Powers of the authority. The authority shall have the power:

27 1. To sue and be sued;

28 2. To have a seal and alter the same at pleasure;

29 3. To borrow money and issue negotiable notes, bonds, or other obli-  
30 gations and to provide for the rights of the holders thereof;

31 4. To enter into contracts and execute all instruments necessary or  
32 convenient or desirable for the purposes of the authority to carry out  
33 any powers expressly given it in this title;

34 5. To acquire, by purchase, gift, grant, transfer, contract or lease  
35 or by condemnation pursuant to the eminent domain procedure law within  
36 the district, lease as lessee, hold and use and to sell, lease as  
37 lessor, transfer or otherwise dispose of, any real or personal property  
38 or any interest therein, within or without the district, as the authori-  
39 ty may deem necessary, convenient or desirable to carry out the purpose  
40 of this title and to pay the costs thereof; provided, however, that the  
41 authority may not condemn real property of a municipality without the  
42 consent of the governing body of such municipality;

43 6. To purchase or refuse to purchase in the name of the authority, any  
44 water or sewerage facility, including plants, works, instrumentalities  
45 or parts thereof and appurtenances thereto, lands, easements, rights in  
46 land and water rights, rights-of-way, contract rights, franchises,  
47 permits, approaches, connections, dams, wells, pumps, reservoirs, water  
48 or sewer mains and pipe lines, pumping stations, treatment facilities,  
49 meters, equipment and inventory, or any other property incidental to and  
50 included in such system or part thereof, and any improvements, exten-  
51 sions and betterments, situated wholly within the district and to pay  
52 the costs thereof; provided, however that prior to the acquisition of  
53 any existing water or sewer district, the authority shall discuss and  
54 consider the status of current employees of the water or sewer district;  
55 and further provided, however, that the authority shall have the power  
56 to purchase any source of supply, supply facility, water supply system,

1 or transmission facility or any part thereof situated wholly or partly  
2 without the territorial limits of the district, provided same shall be  
3 necessary in order to supply water within the district; and in  
4 connection with the purchase of such properties the authority may assume  
5 any obligations of the owner of such properties and, to the extent  
6 required by the terms of any indentures or other instruments under which  
7 such obligations were issued, the authority may assume and agree to  
8 perform covenants and observe the restrictions contained in such instru-  
9 ments; and furthermore the owner of any properties, which the authority  
10 is authorized to acquire, is hereby authorized to sell or otherwise  
11 transfer the same to the authority, whereupon the authority shall become  
12 charged with the performance of all public duties with respect to such  
13 properties with which such owner was charged and such owner shall become  
14 discharged from the performance thereof, and as a means of so acquiring  
15 for such purpose, the authority may purchase all of the stock or any  
16 existing privately owned water corporation or company and in the case of  
17 a sale or other transfer of properties of a public utility corporation  
18 pursuant to this provision, upon the purchase of the stock of such  
19 corporation or company it shall be lawful to dissolve such corporation  
20 within a reasonable time;

21 7. To construct, improve, maintain, develop, expand or rehabilitate  
22 water or sewerage facilities and to pay the costs thereof;

23 8. To operate and manage and to contract for the operation and manage-  
24 ment of facilities of the authority;

25 9. To enter into contracts, and carry out the terms thereof, for the  
26 wholesale provision of water produced by supply facilities constructed,  
27 owned or operated by the authority, to municipalities and private water  
28 companies and to carry out the terms thereof, for the transmission of  
29 water from new or existing supply facilities;

30 10. To enter into contracts with municipalities or other persons for  
31 the collection, treatment and disposal of sewage;

32 11. To apply to the appropriate agencies and officials of the federal,  
33 state and local governments for such licenses, permits or approvals of  
34 its plans or projects as it may deem necessary or advisable, and upon  
35 such terms and conditions as it may deem appropriate, to accept, in its  
36 discretion, such licenses, permits or approvals as may be tendered to it  
37 by such agencies and officials;

38 12. To take all necessary and reasonable actions within the district  
39 to conserve, preserve and protect the water supply to the district,  
40 including the making of plans and studies, the adoption of watershed  
41 rules and regulations, the enforcing of compliance with all current and  
42 future rules and regulations of the state sanitary code with regard to  
43 water supply and usage, the requiring of cross-connection controls, the  
44 providing of educational material and programs to the public, and the  
45 cooperating with water suppliers outside the district to conserve,  
46 preserve and protect the entire water reserve as it is affected within  
47 and outside the authority's supply area;

48 13. To appoint such officers and employees as are required for the  
49 performance of its duties, to fix and determine their qualifications,  
50 duties and compensation, and to retain or employ counsel, auditors,  
51 engineers, and private consultants on a contract basis or otherwise for  
52 rendering professional or technical services and advice;

53 14. With the consent of the governing body of a municipality, to use  
54 officers and employees of such municipality and to pay a proper propor-  
55 tion of the compensation or costs for the services for such officers or  
56 employees;

1 15. To make plans and studies necessary, convenient or desirable for  
2 the effectuation of the purposes and powers of the authority and to  
3 prepare recommendations in regard thereto;

4 16. To prepare a water supply emergency plan which may include, but  
5 not be limited to, the following:

6 (a) establishment of criteria and procedures to determine critical  
7 water levels or safe yield of system;

8 (b) identification of existing and future sources of water under  
9 normal conditions and emergency conditions;

10 (c) system capacity and ability to meet peak demand and fire flows  
11 concurrently;

12 (d) storage capacities;

13 (e) current condition of present interconnections and identification  
14 of additional interconnections to meet a water supply emergency;

15 (f) specific action plan to be followed during a water supply emergen-  
16 cy including a phased implementation of the plan;

17 (g) general water conservation programs and water use reduction strat-  
18 egies for water supply users;

19 (h) prioritization of water users;

20 (i) identification and availability of emergency equipment needed  
21 during a water supply emergency; and

22 (j) public notification program coordinated with the phased implemen-  
23 tation schedule;

24 Such plan shall not be adopted until a public hearing on such plan  
25 shall have been held, upon not less than fourteen days' notice thereof  
26 to each customer, either by mail or by publication once in a newspaper  
27 having general circulation within the district; every five years, such  
28 plan shall be reviewed and revised if necessary after a public hearing,  
29 with notice to each customer as aforesaid;

30 17. To enter upon such lands, waters, or premises as in the judgment  
31 of the authority shall be necessary for the purpose of making surveys,  
32 soundings, borings and examinations to accomplish any purpose authorized  
33 by this title, the authority being liable only for actual damage done;

34 18. To apply for and to accept any gifts or grants or loans of funds  
35 or property or financial or other aid in any form from the federal  
36 government or any agency or instrumentality thereof, or from the state  
37 or any agency or instrumentality thereof, or from any other source, for  
38 any or all of the purposes specified in this title, and to comply,  
39 subject to the provisions of this title, with the terms and conditions  
40 thereof;

41 19. To supply and sell water for domestic, commercial and public  
42 purposes at retail to individual consumers within the district or to  
43 collect, treat or discharge sewage produced within the district;

44 20. To purchase water in bulk from any person, private or public bene-  
45 fit corporation or municipality when necessary or convenient for the  
46 operation of such water system;

47 21. To produce, develop, distribute and sell water or sewerage  
48 services within or without the territorial limits of the district; and  
49 to purchase water from any municipality, town water district, person,  
50 association or corporation, provided, however, that water or sewerage  
51 services may be sold at retail to individual consumers only within the  
52 district and further provided that in exercising the powers granted by  
53 this title, the authority shall not sell water in any area which is  
54 served by a water system or sewerage services in any area which is  
55 served by a sewerage system owned or operated by a municipality or  
56 special improvement district unless the governing body of such munici-

1 pality or district shall adopt a resolution requesting the authority to  
2 sell water or sewerage services, as the case may be, in such served  
3 areas;

4 22. To make bylaws for the management and regulation of its affairs  
5 and rules and regulations for the conservation, preservation and  
6 protection of the authority's water supply and, subject to agreements  
7 with bondholders, rules for the sale of water or collection of sewage  
8 and the collection of rents and charges therefor. A copy of such rules,  
9 regulations and bylaws and any rules and regulations adopted pursuant to  
10 subdivision eleven of this section, and all amendments thereto, duly  
11 certified by the secretary of the authority shall be filed in the office  
12 of the county clerk of the county. In addition, the board of supervisors  
13 by local law shall have power to prescribe that violation of specific  
14 bylaws, rules, or rules and regulations of the authority, published once  
15 in a newspaper having general circulation within the county, shall be  
16 punishable as determined by a court of competent jurisdiction;

17 23. To fix rates and collect charges for the use of the facilities of,  
18 or services rendered by, or any commodities furnished by the authority  
19 such as to provide revenues sufficient at all times to pay, as the same  
20 shall become due, the principal of and interest on the bonds, notes, or  
21 other obligations of the authority together with the maintenance of  
22 proper reserves therefor, in addition to paying as the same shall become  
23 due, the expense of operating and maintaining the properties of the  
24 authority together with proper maintenance reserves, capital reserves,  
25 repair reserves, other contingency reserves, and all other obligations  
26 and indebtedness of the authority;

27 24. To enter into cooperative agreements with other authorities, muni-  
28 cipalities, counties, cities, towns, villages, water districts, utility  
29 companies, individuals, firms or corporations, within or without the  
30 territorial limits of the district for the interconnection of facili-  
31 ties, the provision, exchange or interchange of services and commod-  
32 ities, the conservation, preservation and protection of the authority's  
33 water reserve as it is affected within and outside the authority's  
34 supply area, and, within the territorial limits of the district, to  
35 enter into a contract for the construction, operation and maintenance of  
36 a water supply and distribution system by the authority for any muni-  
37 city having power to construct and develop a water supply and distrib-  
38 ution system or sewerage system or facilities, upon such terms and  
39 conditions as shall be determined to be reasonable, including but not  
40 limited to the reimbursement of all costs of such construction, or for  
41 any other lawful purposes necessary or desirable to effect the purposes  
42 of this title;

43 25. To provide for the discontinuance or disconnection of the supply  
44 of water or sewerage service, or both, as the case may be, for nonpay-  
45 ment of fees, rates, rents or other charges therefor imposed by the  
46 authority, provided such discontinuance or disconnection of any water or  
47 sewerage service, or both, as the case may be, shall not be carried out  
48 except in the manner and upon the notice as is required of a waterworks  
49 corporation pursuant to subdivisions three-a, three-b and three-c of  
50 section eighty-nine-b and section one hundred sixteen of the public  
51 service law;

52 26. To act as a county water agency in accordance with the provisions  
53 of article five-A of the county law;

54 27. To do all things necessary, convenient or desirable to carry out  
55 its purposes and for all exercise of the powers granted in this title.

1 § 1149-e. Advances on behalf of the authority; transfer of property to  
2 the authority; acquisition of property by county for authority. 1. In  
3 addition to any powers granted to it by law, the county from time to  
4 time may appropriate sums of money, after approval by the board of  
5 supervisors, to or on behalf of the authority to defray project costs or  
6 any other costs and expenses of the authority. Subject to the rights of  
7 bondholders, the county at the time of the appropriation shall determine  
8 if the moneys so appropriated shall be subject to repayment by the  
9 authority to the county and, in such event, the manner and time or times  
10 for such repayment.

11 2. The county or any other municipality may give, grant, sell, convey,  
12 loan, license the use of or lease to the authority any property or  
13 facility which is useful to the authority in order to carry out its  
14 powers under this title. Any such transfer of property shall be upon  
15 such terms and conditions, subject to the rights of the holders of any  
16 bonds, as the authority and the county or other municipality may agree.

17 3. The county may acquire by purchase or by exercise of the power of  
18 eminent domain real property in the name of the county for any corporate  
19 purpose of the authority.

20 4. Notwithstanding the provisions of any other law, general, special  
21 or local to the contrary, real property acquired by the authority or the  
22 county from the state may be used for any corporate purpose of the  
23 authority.

24 § 1149-f. Transfer of officers and employees. Any officer or employee  
25 under civil service who is selected by the authority and may be trans-  
26 ferred to the authority and shall be eligible for such transfer and  
27 appointment without examination to comparable offices, positions and  
28 employment under the authority.

29 The salary or compensation of any such officer or employee, as deter-  
30 mined by the authority, shall after such transfer be paid by the author-  
31 ity.

32 Any such officers or employees so transferred to the authority pursu-  
33 ant to this section, who are members of or beneficiaries under any  
34 existing pension or retirement fund or system, shall continue to have  
35 all rights, privileges, obligations and status with respect to such fund  
36 or system as are now prescribed by law, but during the period of their  
37 employment by the authority, all contributions to such funds or systems  
38 to be paid by the employer on account of such officers or employees  
39 shall be paid by the authority.

40 All such officers and employees so transferred to the authority who  
41 have been appointed to positions under the rules and classifications of  
42 the civil service commission shall have the same status with respect  
43 thereto after transfer to the authority as they had under their original  
44 appointments. The appointment and promotion of all employees of the  
45 authority shall be made in accordance with the provisions of the civil  
46 service law and such rules as the civil service commission may adopt and  
47 make applicable to the authority.

48 § 1149-g. Bonds of the authority. 1. The authority shall have the  
49 power and is hereby authorized from time to time to issue bonds in  
50 conformance with the applicable provisions of the uniform commercial  
51 code in such principal amounts as it may determine to be necessary to  
52 pay the cost of any water project or projects or for any other corporate  
53 purposes, including incidental expenses in connection therewith.

54 The authority shall have power from time to time to refund any bonds  
55 by the issuance of new bonds whether the bonds to be refunded have or

1 have not matured, and may issue bonds partly to refund bonds then  
2 outstanding and partly for any other corporate purpose.

3 Bonds issued by the authority shall be special obligations payable  
4 solely out of particular revenues or other moneys of the authority as  
5 may be designated in the proceedings of the authority under which the  
6 bonds shall be authorized to be issued, subject to any agreements with  
7 the holders of outstanding bonds pledging particular revenues or moneys.

8 2. The authority is authorized to obtain from any department or agency  
9 of the United States of America of the state or nongovernmental insurer  
10 or financial institution any insurance, guaranty, or other credit  
11 enhancement arrangement, to the extent now or hereafter available, as  
12 to, or for the payment or repayment of interest or principal, or both,  
13 or any part thereof, on any bonds or notes issued by the authority and  
14 to enter into any agreement or contract with respect to such insurance,  
15 guaranty or credit enhancement arrangement, except to the extent that  
16 the same would in any way impair or interfere with the ability of the  
17 authority to perform and fulfill the terms of any agreement made with  
18 the holder of the bonds or notes of the authority.

19 3. Bonds shall be authorized by resolution of the authority, and may  
20 be in such denominations and bear such date or dates and mature at such  
21 time or times as such resolution may provide, except that bonds and  
22 renewals thereof shall mature within forty years from the date their  
23 original issuance and notes and any renewals thereof shall mature within  
24 five years from the date of their original issuance. Such bonds shall be  
25 subject to such terms of redemption, bear interest at such rate or  
26 rates, which may vary from time to time, as may be necessary to effect  
27 the sale thereof and shall be payable at such times, be in such form,  
28 carry such registration privileges, be executed in such manner, be paya-  
29 ble in such medium of payment at such place or places, and be subject to  
30 such terms and conditions as such resolution may provide.

31 Bonds may be sold at public sale or at private sale for such price or  
32 prices as the authority shall determine, provided that no issue of bonds  
33 may be sold by the authority at private sale unless such sale and the  
34 terms thereof have been approved in writing by the comptroller, where  
35 such sale is not to the comptroller, or by the state director of the  
36 budget, where such sale is to be to the comptroller.

37 4. Any resolution or resolutions authorizing bonds or any issue of  
38 bonds by the authority may contain provisions which may be part of the  
39 contract with the holders of the bonds thereby authorized as to:

40 (a) pledging all or part of its revenues, together with any other  
41 moneys, or property of the authority, to secure the payment of the  
42 bonds, including but not limited to any contracts, earnings or proceeds  
43 of any grant to the authority received from any private or public  
44 source, subject to such agreements with bondholders as may then exist;

45 (b) the rates, rentals, fees and other charges to be fixed and  
46 collected by the authority and the amounts to be raised in each year  
47 thereby, and the use and disposition of revenues;

48 (c) the setting aside of reserves and the creation of sinking funds  
49 and the regulation and disposition thereof;

50 (d) limitations on the purpose to which the proceeds from the sale of  
51 bonds may be applied;

52 (e) limitations on the right of the authority to restrict and regulate  
53 the use of any water project or part thereof in connection with which  
54 bonds are issued;

1 (f) limitations on the issuance of additional bonds, the terms upon  
2 which additional bonds may be issued and secured and the refunding of  
3 outstanding or other bonds;

4 (g) the procedure, if any, by which the terms of any contract with  
5 bondholders may be amended or abrogated, including the proportion of  
6 bondholders which must consent thereto, and the manner in which such  
7 consent may be given;

8 (h) the creation of special funds into which any revenues or other  
9 moneys may be deposited;

10 (i) the terms and provisions of any trust, deed, mortgage or indenture  
11 securing the bonds under which the bonds may be issued;

12 (j) vesting in a trustee or trustees such properties, rights, powers  
13 and duties in trust as the authority may determine, which may include  
14 any or all of the rights, powers and duties of the trustee appointed by  
15 the bondholders pursuant to applicable sections of this title and limit-  
16 ing or abrogating the rights of the bondholders to appoint a trustee  
17 under such section or limiting the rights, duties and powers of such  
18 trustee;

19 (k) defining the acts or omissions to act which may constitute a  
20 default in the obligations and duties of the authority to the bondhold-  
21 ers and providing for the rights and remedies of the bondholders in the  
22 event of such default, including as a matter of right the appointment of  
23 a receiver, provided, however, that such rights and remedies shall not  
24 be inconsistent with the general laws of the state and other provisions  
25 of this title;

26 (l) limitations on the power of the authority to sell or otherwise  
27 dispose of any water facility or any part thereof or other property;

28 (m) limitations on the amount of revenues and other moneys to be  
29 expended for operating, administrative or other expenses of the authori-  
30 ty;

31 (n) the protection and enforcement of the rights and remedies of the  
32 bondholders;

33 (o) the obligations of the authority in relation to the construction,  
34 maintenance, operation, repairs and insurance of its properties, the  
35 safeguarding and application of all moneys and as to the requirements  
36 for the supervision and approval of consulting engineers in connection  
37 with construction, reconstruction and operation;

38 (p) the payment of the proceeds of bonds, revenues and other moneys to  
39 a trustee or other depository, and for the method of disbursement there-  
40 of with such safeguards and restrictions as the authority may determine;  
41 and

42 (q) any other matters of like or different character which in any way  
43 affect the security or protection of the bonds or the rights and reme-  
44 diies of bondholders.

45 5. In addition to the powers herein conferred upon the authority to  
46 secure its bonds, the authority shall have power in connection with the  
47 issuance of bonds to enter into such agreements as the authority may  
48 deem necessary, convenient or desirable concerning the use or disposi-  
49 tion of its revenues or other moneys or property, including remarketing  
50 agreements or other similar agreements for the bonds, the mortgaging of  
51 any property and the entrusting, pledging or creation of any other secu-  
52 rity interest in any such revenues, moneys, or property and the doing of  
53 any act, including refraining from doing any act, which the authority  
54 would have the right to do in the absence of such agreements.

55 The authority shall have power to enter into amendments of any such  
56 agreements within the powers granted to the authority by this title and

1 to perform such agreements. The provisions of any such agreements may  
2 be made a part of the contract with the holders of bonds of the authori-  
3 ty.

4 6. Any provision of the uniform commercial code to the contrary  
5 notwithstanding, any pledge of or other security interest in revenues,  
6 moneys, accounts, contract rights, general intangibles or other personal  
7 property made or created by the authority shall be valid, binding and  
8 perfected from the time when such pledge is made or other security  
9 interest attaches without any physical delivery of the collateral or  
10 further act, and the lien of any such pledge or other security interest  
11 shall be valid, binding and perfected against all parties having claims  
12 of any kind in tort, contract or otherwise against the authority irre-  
13 spective of whether or not such parties have notice thereof. No instru-  
14 ment by which such a pledge or security interest is created nor any  
15 financing statement need be recorded or filed.

16 7. Whether or not the bonds of the authority are of such form and  
17 character as to be negotiable instruments under the terms of the uniform  
18 commercial code, the bonds are hereby made negotiable instruments within  
19 the meaning of and for all purposes of the uniform commercial code,  
20 subject only to the provisions of the bonds for registration.

21 8. Neither the members nor the officers of the authority nor any  
22 person executing bonds shall be liable personally thereon or be subject  
23 to any personal liability or accountability by reason of the issuance  
24 thereof.

25 9. The authority, subject to such agreements with bondholders as then  
26 may exist, shall have power out of any moneys available therefor to  
27 purchase bonds of the authority in lieu of redemption, at a price not  
28 exceeding:

29 (a) if the bonds are then redeemable, the redemption price then appli-  
30 cable, plus accrued interest to the next interest payment date;

31 (b) if the bonds are not then redeemable, the redemption price then  
32 applicable on the first date after such purchase upon which the bonds  
33 become subject to redemption plus accrued interest to the next interest  
34 payment date.

35 10. The authority shall have power and is hereby authorized to issue  
36 negotiable bond anticipation notes in conformity with applicable  
37 provisions of the uniform commercial code and may renew the same from  
38 time to time but the maximum maturity of any such note, including  
39 renewals thereof, shall not exceed five years from the date of issue of  
40 such original note.

41 Such notes shall be paid from any moneys of the authority available  
42 therefor and not otherwise pledged or from the proceeds of sale of the  
43 bonds of the authority in anticipation of which they were issued. The  
44 notes shall be issued in the same manner as bonds and such notes and the  
45 resolution or resolutions authorizing the same may contain any  
46 provisions, conditions or limitations which the bonds or bond resolution  
47 of the authority may contain. Such notes may be sold at public sale or,  
48 upon the approval of the comptroller of the terms thereof, at private  
49 sale. Such notes shall be as fully negotiable as the bonds of the  
50 authority.

51 § 1149-h. Remedies of bondholders. Subject to any resolution or resol-  
52 utions adopted pursuant to applicable provisions of this title:

53 1. In the event that the authority shall default in the payment of  
54 principal of or interest on any issue of the bonds after the same shall  
55 become due whether at maturity or upon call for redemption, and such  
56 default shall continue for a period of thirty days, or in the event that

1 the authority shall fail or refuse to comply with the provisions of this  
2 title, or shall default in any agreement made with the holders of any  
3 issue of the bonds, the holders of twenty-five per centum in aggregate  
4 principal amount of the bonds of such issue then outstanding, by instru-  
5 ment or instruments filed in the office of the clerk of the county and  
6 proved or acknowledged in the same manner as a deed to be recorded, may  
7 appoint a trustee to represent the holders of such bonds for the  
8 purposes herein provided.

9 2. Such trustee may, and upon written request of the holders of twen-  
10 ty-five per centum in principal amount of such bonds outstanding shall,  
11 in such trustee's own name:

12 (a) by action or proceeding in accordance with the civil practice law  
13 and rules, enforce all rights of the bondholders including the right to  
14 require the authority to collect rents, rates, fees, and charges  
15 adequate to carry out any agreement as to, or pledge of, such rents,  
16 rates and charges, and to require the authority to carry out any other  
17 agreements with the holders of such bonds and to perform its duties  
18 under this title;

19 (b) bring an action or proceeding upon such bonds;

20 (c) by action or proceeding, require the authority to account as if it  
21 were the trustee of an express trust for the holders of such bonds;

22 (d) by action or proceeding, enjoin any acts or things which may be  
23 unlawful or in violation of the rights of the holders of such bonds; and

24 (e) declare all such bonds due and payable, and if all defaults shall  
25 be made good, then with the consent of the holders of twenty-five per  
26 centum of the principal amount of such bonds then outstanding, annul  
27 such declaration and its consequences.

28 3. Such trustee shall in addition to the foregoing have and possess  
29 all of the powers necessary or appropriate for the exercise of any func-  
30 tions specifically set forth herein or incidental to the general repre-  
31 sentation of bondholders in the enforcement and protection of their  
32 rights.

33 4. The state supreme court shall have jurisdiction of any action or  
34 proceeding by the trustee on behalf of such bondholders. Venue of any  
35 such action or proceeding shall be laid in the county.

36 5. Any such trustee, whether or not the issue of bonds represented by  
37 such trustee has been declared due and payable, shall be entitled as of  
38 right to the appointment of a receiver of any part or parts of the prop-  
39 erties the revenues of which are pledged for the security of the bonds  
40 of such issue, and, subject to any pledge or agreement with holders of  
41 such bonds, such receiver may enter and take possession of such part or  
42 parts of the properties and shall take possession of all moneys and  
43 other property derived from such part or parts of such properties and  
44 proceed with any construction thereon or the acquisition of any proper-  
45 ty, real or personal, in connection therewith which the authority is  
46 under obligation to do, and to operate, maintain and reconstruct such  
47 part or parts of the properties and collect and receive all revenues  
48 thereafter arising therefrom subject to any pledge thereof or agreement  
49 with bondholders relating thereto and perform the public duties and  
50 carry out the agreements and obligations of the authority under the  
51 direction of the court. In any suit, action or proceeding by the trus-  
52 tee, the fees, counsel fees and expenses of the trustee and of the  
53 receiver, if any, shall constitute taxable disbursements and all costs  
54 and disbursements allowed by the court shall be a first charge on any  
55 revenues derived from the properties.

1 6. Before declaring the principal of bonds due and payable, the trustee shall first give thirty days notice in writing to the authority.

2 § 1149-i. State and municipalities not liable on authority bonds.  
3 Neither the state nor any municipality shall be liable on the bonds of  
4 the authority and such bonds shall not be a debt of the state or of any  
5 municipality.

6 § 1149-j. Moneys of the authority. All moneys of the authority from  
7 whatever source derived shall be paid to the treasurer of the authority  
8 and shall be deposited forthwith in one or more banks and/or trust  
9 companies in the state designated by the authority. The moneys in such  
10 accounts shall be paid out on checks of the treasurer upon requisition  
11 by the board or of such other person or persons as the authority may  
12 authorize to make such requisitions.

13 All deposits of such moneys shall be secured by obligations of (or  
14 guaranteed by) the United States or of the state or of the county of a  
15 market value equal at all times to the amount on deposit and all banks  
16 and trust companies are authorized to give such security for such depos-  
17 its. Any moneys of the authority not required for immediate use or  
18 disbursement may, at the discretion of the authority, be invested in  
19 those obligations specified pursuant to the provisions of section nine-  
20 ty-eight-a of the state finance law.

21 The authority shall have power, notwithstanding the provisions of this  
22 section, to contract with the holders of any bonds as to the custody,  
23 collection, security, investment and payment of any moneys of the  
24 authority or any moneys held in trust or otherwise for the payment of  
25 bonds or any way to secure bonds. Moneys held in trust or otherwise for  
26 the payment of bonds or in any way to secure bonds and deposits of such  
27 moneys may be secured in the same manner as moneys of the authority and  
28 all banks and trust companies are authorized to give such security for  
29 such deposits.

30 § 1149-k. Bonds legal investments for fiduciaries. The bonds of the  
31 authority are hereby made securities in which all public officials and  
32 bodies of the state and all municipalities, all insurance companies and  
33 associations and other persons carrying on an insurance business, all  
34 banks, bankers, trust companies, savings banks and savings associations,  
35 including savings and loan associations, investment companies and other  
36 persons carrying on a banking business, and administrators, guardians,  
37 executors, trustees and other fiduciaries and all other persons whatso-  
38 ever, who are now or may hereafter be authorized to invest in bonds or  
39 other obligations of the state, may properly and legally invest funds  
40 including capital in their control or belonging to them.

41 The bonds are also hereby made securities which may be deposited with  
42 and may be received by all public officers and bodies of the state all  
43 municipalities for any purposes for which the deposit of bonds or other  
44 obligations of the state is now or hereafter may be authorized.

45 § 1149-l. Agreement with the state. The state does hereby pledge to  
46 and agree with the holders of any bonds issued by the authority pursuant  
47 to this title that the state will not alter or limit the rights hereby  
48 vested in the authority to purchase, construct, maintain, operate,  
49 repair, improve, increase, enlarge, extend, reconstruct, renovate, reha-  
50 ilitate or dispose of any water or sewer project, or any part or parts  
51 thereof, for which bonds of the authority shall have been issued, to  
52 establish and collect rates, rents, fees and other charges referred to  
53 in this title and to fulfill the terms of any agreement made with or for  
54 the benefit of the holders of the bonds or with any public corporation  
55 or person with reference to such project or part thereof, or in any way  
56

1 impair the rights and remedies of the bondholders, until the bonds,  
2 together with the interest thereon, including interest on any unpaid  
3 installments of interest, and all costs and expenses in connection with  
4 any action or proceeding by or on behalf of such holders, are fully met  
5 and discharged. The authority is authorized to include this pledge and  
6 agreement of the state in any agreement with bondholders.

7 § 1149-m. Exemption from taxes, assessments and certain fees; payments  
8 in lieu of taxes. 1. It is hereby determined that the creation of the  
9 authority and the carrying out of its corporate purposes is in all  
10 respects for the benefit of the people of the county and the state and  
11 is a public purpose, and the authority shall be regarded as performing a  
12 governmental function in the exercise of the powers conferred upon it by  
13 this title and shall not be required to pay any taxes, special ad val-  
14 orem levies or special assessments upon any real property owned by it or  
15 any filing, recording or transfer fees or taxes in relation to instru-  
16 ments filed, recorded or transferred by it or on its behalf.

17 2. The authority may pay, or may enter into agreements with any muni-  
18 cipality not located within the county to pay, a sum or sums annually or  
19 otherwise or to provide other considerations to such municipality with  
20 respect to real property owned by the authority located within such  
21 municipality and constituting a part of its water or sewerage system.

22 3. Any bonds issued pursuant to this title together with the income  
23 therefrom shall be exempt from taxation except for transfer and estate  
24 taxes. The revenues, moneys and all other property and all activities of  
25 the authority shall be exempt from all taxes and governmental fees or  
26 charges, whether imposed by the state or any municipality, including  
27 without limitation real estate taxes, franchise taxes, sales taxes or  
28 other excise taxes.

29 4. The state hereby covenants with the purchasers and with all subse-  
30 quent holders and transferees of bonds issued by the authority pursuant  
31 to this title, in consideration of the acceptance of and payment for the  
32 bonds, that the bonds of the authority issued pursuant to this title and  
33 the income therefrom shall be exempt from taxation as aforestated in  
34 subdivision three of this section, and that all revenues, moneys, and  
35 other property pledged to secure the payment of such bonds shall at all  
36 times be free from taxation as aforestated in such subdivision.

37 § 1149-n. Actions against the authority. 1. Except in an action for  
38 wrongful death, no action or special proceeding shall be prosecuted or  
39 maintained against the authority for personal injury or damage to real  
40 or personal property alleged to have been sustained by reason of the  
41 negligence or wrongful act of the authority or any member, officer,  
42 agent or employee thereof, unless:

43 (a) a notice of claim shall have been made and served upon the author-  
44 ity within the time limit prescribed by and in compliance with section  
45 fifty-e of the general municipal law;

46 (b) it shall appear by and as an allegation in the complaint or moving  
47 papers that at least thirty days have elapsed since the service of such  
48 notice and that adjustment or payment thereof has been neglected or  
49 refused;

50 (c) the action or special proceeding shall be commenced within one  
51 year and ninety days after the happening of the event upon which the  
52 claim is based; and

53 (d) the action or special proceeding shall be commenced in accordance  
54 with the notice of claim and time limitation provisions of this chapter.

55 2. Wherever a notice of claim is served upon the authority, it shall  
56 have the right to demand an examination of the claimant relative to the

1 occurrence and extent of the injuries or damages for which claim is  
2 made, in accordance with the provisions of section fifty-h of the gener-  
3 al municipal law.

4 3. The authority may require any person presenting for settlement an  
5 account or claim for any cause whatever against the authority to be  
6 sworn before a member, counsel, or an attorney, officer or employee  
7 thereof designated for such purpose, concerning such account or claim  
8 and when so sworn, to answer orally as to any facts relative to such  
9 account or claim. The authority shall have power to settle or adjust all  
10 claims in favor of or against the authority.

11 4. Any action or proceeding to which the authority or the people of  
12 the state may be parties, in which any question arises as to the validi-  
13 ty of this title, shall be preferred over all other civil causes of  
14 action or cases, except election causes of action or cases, in all  
15 courts of the state and shall be heard and determined in preference to  
16 all other civil business pending therein except election causes, irre-  
17 spective of position on the calendar. The same preference shall be  
18 granted upon application of the authority or its counsel in any action  
19 or proceeding questioning the validity of this title in which the  
20 authority may be allowed to intervene. The venue of any such action or  
21 proceeding shall be laid in the supreme court of the county.

22 5. The rate of interest to be paid by the authority upon any judgment  
23 for which it is liable, other than a judgment against the authority on  
24 bonds, shall be the rate prescribed by section three-a of the general  
25 municipal law. Interest on payments of principal or interest on any  
26 bonds in default shall accrue at the rate or rates set forth in such  
27 bonds from the due date thereof until paid or otherwise satisfied.

28 § 1149-o. Interest in contracts prohibited. It shall be a misdemeanor  
29 for any member or any officer, agent, servant or employee of an authori-  
30 ty to be in any way or manner interested, directly or indirectly, in the  
31 furnishing of work, materials, supplies or labor, or in any contract  
32 therefor which the authority is empowered by this title to make.

33 § 1149-p. Construction and purchase contracts. The authority shall let  
34 contracts for construction or purchase of supplies, materials, or equip-  
35 ment pursuant to section one hundred three of the general municipal law.  
36 Nothing in this section shall be construed to limit the power of the  
37 authority to do any construction directly by the officers, agents and  
38 employees of the authority.

39 § 1149-q. Authority to take affirmative action. The authority shall  
40 ensure that, where possible, all employees or applicants for employment  
41 are afforded equal employment opportunity without discrimination.

42 § 1149-r. Audit and annual report. In conformity with the provisions  
43 of section five of article ten of the constitution, the accounts of the  
44 authority shall be subject to the supervision of the comptroller. The  
45 authority shall annually submit to the governor and comptroller and to  
46 the state legislature a detailed report pursuant to the provisions of  
47 this chapter, and a copy of such report shall be filed with the board of  
48 supervisors.

49 § 1149-s. Environmental applications, proceedings, approvals and  
50 permits. Any application in relation to the purposes of or contemplated  
51 by this title heretofore filed, or any proceeding heretofore commenced,  
52 by the county or any agency thereof with the department of environmental  
53 conservation, the department of transportation or any other state agency  
54 or instrumentality or with the United States environmental protection  
55 agency or any other federal agency or instrumentality shall inure to and  
56 for the benefit of the authority to the same extent and in the same

1 manner as if the authority had been a party to such application or  
2 proceeding from its inception, and the authority shall be deemed a party  
3 thereto, to the extent not prohibited by any federal law. Any license,  
4 approval, permit or decision heretofore or hereafter issued or granted  
5 pursuant to or as a result of any such application or proceeding shall  
6 inure to the benefit of and be binding upon the authority and shall be  
7 assigned and transferred by the county or any agency thereof to the  
8 authority, unless such assignment and transfer is prohibited by federal  
9 law.

10 § 1149-t. Limited liability. Neither the members of the authority, nor  
11 any municipality, officer or employee acting in its behalf, while acting  
12 within the scope of their authority, shall be subject to any personal  
13 liability resulting from the construction, maintenance or operation of  
14 any of the properties of the authority or from carrying out any of the  
15 powers expressly given in this title; provided, however, that this  
16 section shall not be held to apply to any independent contractor.

17 § 1149-u. Governmental capacity of the authority and municipalities.  
18 The authority, the county and the other municipalities, in carrying out  
19 their respective powers and duties under this title, shall be deemed to  
20 be acting in a governmental capacity and in the performance of an essen-  
21 tial governmental function.

22 § 1149-v. Separability clause. If any section, clause or provision in  
23 this title shall be held by a competent court to be unconstitutional or  
24 ineffective in whole or in part, to the extent that it is not unconsti-  
25 tutional or ineffective, it shall be valid and effective, and no other  
26 section, clause or provision shall on account thereof be deemed invalid  
27 or ineffective.

28 § 1149-w. Effect of inconsistent provisions. Insofar as the provisions  
29 of this title are inconsistent with the provisions of any other general,  
30 special or local law, or of any charter or any local law, ordinance or  
31 resolution of the county or other municipality, the provisions of this  
32 title shall be controlling, provided that nothing contained in this  
33 section shall be held to supplement or otherwise expand the powers or  
34 duties of the authority otherwise set forth in this title. Nothing  
35 contained in this title shall be held to alter or abridge the powers and  
36 duties of the department of environmental conservation or the department  
37 of health.

38 § 2. This act shall take effect immediately.