

STATE OF NEW YORK

4488

2023-2024 Regular Sessions

IN SENATE

February 9, 2023

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the reimaging excess New York state property act

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

1 Section 1. Article 8 of the public authorities law is amended by
2 adding a new title 30 to read as follows:

3 TITLE 30

4 REIMAGING EXCESS NEW YORK STATE PROPERTY AUTHORITY

5 Section 2730. Short title.

6 2731. Definitions.

7 2732. Reimaging excess New York state property authority.

8 2733. Powers of the authority.

9 2734. Environmental applications, proceedings, approvals and
10 permits.

11 2735. Bonds of the authority.

12 2736. Bonds as legal investments.

13 2737. Exemption from taxation of bonds.

14 2738. Moneys of the authority.

15 2739. Agreement of the state.

16 2740. Remedies of holders of bonds.

17 2741. Actions against the authority; court proceedings; prefer-
18 ences; venue.

19 2742. Limitation of liability; indemnification.

20 2743. Exemption from taxation of property and income.

21 2744. Assistance by state officers, departments, boards and
22 commissions.

23 2745. State, counties and municipalities not liable on bonds.

24 2746. Annual reports.

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

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1 2747. Separability.

2 § 2730. Short title. This title shall be known and may be cited as the
3 "Reimaging excess New York state property (RENEW) act".

4 § 2731. Definitions. As used in this title, the following words and
5 terms shall have the following meanings unless the context indicates
6 another or different meaning or intent:

7 1. "Authority" shall mean the public benefit corporation created by
8 section twenty-seven hundred thirty-two of this title, known as the
9 reimaging excess New York state property authority.

10 2. "Bonds" shall mean the bonds, notes or other evidences of indebt-
11 edness issued by the authority pursuant to this title and the provisions
12 of this title relating to bonds and bondholders shall apply with equal
13 force and effect to notes and noteholders, respectively, unless the
14 context otherwise clearly requires.

15 3. "Construction" shall mean the acquisition, erection, building,
16 alteration, improvement, increase, enlargement, extension, recon-
17 struction, renovation or rehabilitation of any project financed under
18 the provisions of this title; the inspection and supervision thereof;
19 and the engineering, architectural, legal, fiscal and economic investi-
20 gations and studies, surveys, designs, plans, working drawings, specifi-
21 cations, procedures and other actions preliminary or incidental thereto.

22 4. "Cost" as applied to the repurposing of any real property financed
23 under the provisions of this title embraces all or any part of the cost
24 of construction and acquisition of all lands, structures, real or
25 personal property, rights, rights-of-way, franchises, easements and
26 interests acquired or used for the repurposing of real property, the
27 cost of demolishing or removing any buildings or structures on land so
28 acquired, including the costs of relocating tenants or other occupants
29 of the buildings or structures on such land and the cost of acquiring
30 any lands to which such buildings or structures may be moved, the cost
31 of all machinery and equipment, financing charges, interest, reserves
32 for principal and interest and for extensions, enlargements, additions,
33 replacements, renovations and improvements, cost of engineering, finan-
34 cial and legal services, plans, specifications, studies, surveys, esti-
35 mates of cost and of revenues, administrative expenses, expenses neces-
36 sary or incident to determining the feasibility or practicability of
37 repurposing and such other expenses as may be necessary or incident to
38 the construction and acquisition of real property, the financing of such
39 construction and acquisition, including all costs relating to the refi-
40 ancing or satisfaction of existing indebtedness; and any reimbursements
41 to any municipality, state agency, the state, the United States or any
42 other person or public corporation for expenditures that would be costs
43 of any repurposing hereunder had they been made directly by the authori-
44 ty.

45 5. "Municipality" shall mean any county, city, town, village, refuse
46 district under the county law, improvement district under the town law,
47 any other such instrumentality, including any agency, authority or
48 public corporation of the state, or any of the foregoing, or any combi-
49 nation thereof.

50 6. "Person" shall mean any natural person, partnership, association,
51 joint venture or corporation, exclusive of a public corporation.

52 7. "Real property" shall mean lands, structures, improvements fran-
53 chises and interests in land, including lands under water, waterfront
54 property, marginal streets and riparian rights, space rights and air
55 rights and any and all other things and rights usually included within
56 said term and any fixtures, equipment and articles of personal property

1 affixed to or used in connection therewith. Real property shall also
2 mean and include any and all interests in such property less than full
3 title, such as easements, incorporeal hereditaments and every estate,
4 interest or right, legal or equitable, including terms for years and
5 liens thereon by way of judgments, mortgages or otherwise, and also all
6 claims for damages for such real estate.

7 8. "Resource recovery" shall mean the separation, extraction or recovery
8 of usable materials, energy or heat from solid waste through source
9 separation, incineration, recycling centers or other programs, projects
10 or facilities.

11 9. "Revenues" shall mean all rates, fees, rents, charges and other
12 income derived by the authority from its operations.

13 10. "State" shall mean the state of New York.

14 11. "United States" shall mean the United States of America or any
15 department, agency or instrumentality thereof acting on behalf of the
16 United States of America.

17 § 2732. Reimaging excess New York state property authority. 1. A
18 corporation known as the reimaging excess New York state property
19 authority is hereby created for the public purposes and charged with the
20 duties and having the powers provided in this title. The authority
21 shall be a body corporate and politic constituting a public benefit
22 corporation. Its membership shall consist of a board of thirteen members
23 chosen as follows: three members appointed by the governor; three
24 members appointed by the temporary president of the senate; two members
25 appointed by the minority leader of the senate; three members appointed
26 by the speaker of the assembly; and two members appointed by the minority
27 leader of the assembly. The members of the authority shall choose
28 from their number a chairman by majority vote of such members then in
29 office. Each member shall continue in office until such member's succes-
30 sor has been appointed and qualifies. Each appointment following the
31 expiration of the original terms of appointment shall be for a term of
32 four years. In the event of a vacancy occurring in the office of any
33 member, other than by the expiration of a member's term, such vacancy
34 shall be filled for the balance of the unexpired term, if applicable, in
35 the same manner as the original appointment.

36 2. The powers of the authority shall be vested in the members thereof
37 in office from time to time and a majority of voting members shall
38 constitute a quorum at any meeting of the authority. In cases of a tie
39 vote, the chairman shall cast an additional vote. No vacancy in the
40 membership of the authority shall impair the right of such members to
41 exercise all the rights and perform all the duties of the authority. Any
42 action taken by the authority under the provisions of this title may be
43 authorized at a meeting of the authority by resolution approved by a
44 majority of the members then in office, which resolution shall take
45 effect immediately, or, unless inconsistent with the provisions of arti-
46 cle seven of the public officers law, any action may be taken by a
47 resolution circulated or sent to each member of the authority, which
48 shall take effect at such time as all of the members then in office
49 shall have signed an assent to such resolution and such assents are
50 filed with the minutes of the proceedings. No representative shall be
51 authorized to delegate any of his or her duties or functions to any
52 other person. The authority may delegate by resolution to one or more of
53 its members, officers, agents and employees such powers and duties as
54 the members may deem proper.

55 3. The members of the authority shall serve without salary or other
56 compensation, but each member shall be entitled to reimbursement for

1 actual and necessary expenses incurred by such member in the performance
2 of the official duties as a member.

3 4. Subject to the provisions of this subdivision, members of the
4 authority may engage in private employment, or in a profession or busi-
5 ness. The members, officers and employees of the authority shall be
6 deemed to be state officers or employees and the authority shall be
7 deemed to be a state agency solely for the purposes of sections seven-
8 ty-three and seventy-four of the public officers law, which sections are
9 hereby made applicable to the authority and its members, officers and
10 employees.

11 5. Notwithstanding any inconsistent provisions of this or any other
12 law, general, special or local, no officer or employee of the state, or
13 of any political subdivision thereof, shall be deemed to have forfeited
14 or shall forfeit any public office or employment by reason of such
15 person's acceptance of a membership on the authority; provided, however,
16 a member who holds such other public office or employment shall receive
17 no additional compensation or allowance for services rendered pursuant
18 to this title, but shall be entitled to reimbursement for the actual and
19 necessary expenses incurred in the performance of such services.

20 6. A member may be removed from office by the board for inefficiency,
21 neglect of duty, conflict of interest or misconduct in office after the
22 authority has given such member a copy of the charges against him or her
23 and an opportunity to be heard in person, or by counsel in his or her
24 defense, upon not less than ten days notice. If any member shall be so
25 removed, there shall be filed with the chairman of the authority a
26 complete statement of the charges made against such member and the find-
27 ing of such board thereon, together with a complete record of the
28 proceeding.

29 7. The authority and its corporate existence shall continue until
30 terminated by law, provided, however, that no such law shall take effect
31 so long as the authority shall have bonds, notes or other obligations
32 outstanding, unless adequate provision has been made for the payment
33 thereof. Upon termination of the existence of the authority, all of the
34 rights and properties of the authority then remaining shall pass to and
35 be vested in the counties in accordance with such law.

36 § 2733. Powers of the authority. Except as otherwise limited by this
37 title, the authority shall have power:

38 1. to make and alter by-laws for the regulation of its affairs and the
39 conduct of its business;

40 2. to adopt an official seal and alter the same at pleasure;

41 3. to maintain a principal office and regional offices at such place
42 or places as it may designate;

43 4. to sue and be sued;

44 5. to make and execute contracts and all other instruments necessary
45 or convenient for the exercise of its powers and functions under this
46 title;

47 6. to purchase any abandoned, surplus or otherwise unused state-owned
48 real property and to reconstruct, renovate, replace, maintain, repair,
49 enlarge, extend, operate, lease, as lessee or lessor, and/or regulate
50 the repurposing of such properties, and to enter into contracts for any
51 or all of such purposes, including contracts for the management and
52 operation of such properties and to sell, lease, mortgage or otherwise
53 dispose of any property or part thereof to the state, any person, public
54 corporation or municipality;

55 7. to borrow money and to issue bonds of the authority for any of its
56 corporate purposes, to secure the same with its revenues or other funds

1 and otherwise to provide for and secure the payment thereof and to
2 provide for the rights of holders thereof and to fund or refund the
3 same;

4 8. to make contracts and to execute all necessary or convenient
5 instruments, including evidences of indebtedness, negotiable or nonnego-
6 tiable in each case for securing its bonds or to provide direct payment
7 of any costs which the authority is authorized to pay;

8 9. subject to any limitation imposed or authorized by law, to fix and
9 revise from time to time and charge and collect rates, rents, fees and
10 charges for the use of and for the services furnished or to be furnished
11 by a project or any portion thereof and to contract with any person,
12 partnership, association or authority or other body public or private
13 including a public corporation in respect thereof provided, however,
14 that the authority shall not have the power, within any city, to collect
15 rentals, charges, rates or fees from the owners of real estate, or the
16 occupants of real estate (other than the occupants of premises owned or
17 controlled by such authority, or by the state or any civil division
18 thereof), for services or facilities furnished or supplied in connection
19 with such real estate, if such services or facilities are of a character
20 or nature that as of the enactment of this act or formerly were
21 furnished or supplied by the city, unless the electors of the city shall
22 approve the granting to such authority of such powers by a majority vote
23 at a general or special election in such city;

24 10. to employ consulting engineers, architects, attorneys, account-
25 ants, construction and financial experts, superintendents, managers, and
26 such other agents as may be necessary in its judgment, and to fix their
27 compensation;

28 11. to receive and accept loans, grants, aid in any form, gifts or
29 contributions from any source of either money, property, labor or other
30 things of value and, subject to the provisions of this title, to comply
31 with the terms and conditions thereof;

32 12. to enter into any lease of or to mortgage any property;

33 13. subject to any agreement with the holders of its bonds, to invest
34 moneys of the authority not required for immediate use in obligations of
35 the state or the United States or obligations the principal and interest
36 of which are guaranteed by the state or the United States or in certif-
37 icates of deposit or time deposits secured in such manner as the author-
38 ity shall determine, or in obligations of any agency of the state or the
39 United States which may from time to time be legally purchased by
40 savings banks within the state as an investment of funds belonging to
41 them or in their control, or in any other obligations in which the comp-
42 troller of the state is authorized to invest pursuant to section nine-
43 ty-eight of the state finance law or any successor provision of law;

44 14. subject to any agreement with the holders of its bonds, to
45 purchase bonds, of the authority out of any funds or moneys of the
46 authority available therefore, and to hold, cancel or resell the bonds;

47 15. to contract to render and to render such services to the United
48 States, or any public agency, public authority, municipality or poli-
49 tical subdivision of the state, as the United States, such public agen-
50 cy, public authority, municipality or political subdivision shall
51 request, with respect to the custody, administration, management or
52 servicing of obligations, projects and property of such entity, includ-
53 ing but not limited to the use of the premises, personnel and property
54 of the authority, and may provide for reimbursement to the authority for
55 any expenses necessarily incurred by the authority in rendering such
56 services;

1 16. to appoint such officers, employees and agents as it may require,
2 prescribe their duties and qualifications and fix their compensation;

3 17. to establish such reserves as the authority deems necessary or
4 appropriate;

5 18. to acquire by lease, purchase or gift, hold and dispose of real
6 and personal property (whether tangible or intangible), which are
7 located within the state, or any interest therein, for its corporate
8 purposes, and, subject to any agreement with the holders of its bonds,
9 to sell any mortgage or loan or other personal property acquired by the
10 authority, at a public or private sale and at such price or prices as it
11 shall determine;

12 19. to enter into agreements, in its discretion, to pay annual sums in
13 lieu of taxes to any municipality, political subdivision or taxing
14 district of the state in respect of any real property which is owned by
15 the authority and located in such municipality, political subdivision or
16 taxing district;

17 20. to contract with persons, municipalities and the United States for
18 the use of facilities and for the fixing and collection of rates,
19 rentals, fees and other charges for the use of such facilities, or
20 services rendered by, or any commodities furnished by the authority so
21 as to provide revenues sufficient at all times to pay, as the same shall
22 become due, the principal and interest on the bonds, notes or other
23 obligations of the authority together with the maintenance of proper
24 reserves therefor, in addition to paying, as the same shall become due,
25 the expenses of operating and maintaining the properties of the authori-
26 ty, together with proper reserves for debt service, depreciation, main-
27 tenance and contingencies and all other obligations and indebtedness of
28 the authority;

29 21. to coordinate the activities of state agencies and authorities to
30 provide community facilities;

31 22. to participate in federal programs for the insurance of loans
32 including programs which require the authority to share any loss arising
33 out of any loan insured by the federal government; and

34 23. to do all things necessary or convenient to carry out the purposes
35 of the authority.

36 § 2734. Environmental applications, proceedings, approvals and
37 permits. 1. Any application in relation to the purposes of or contem-
38 plated by this title, or any proceeding commenced by any participating
39 county or any municipality, with the department of environmental conser-
40 vation, the department of transportation or any other state agency or
41 instrumentality or with the United States environmental protection agen-
42 cy or any other federal agency or instrumentality shall inure to and for
43 the benefit of the authority to the same extent and in the same manner
44 as if the authority had been a party to such application or proceeding,
45 and the authority shall be deemed a party thereto, to the extent not
46 prohibited by any federal law. Any license, approval, permit or decision
47 issued or granted pursuant to or as a result of any such application or
48 proceeding shall inure to the benefit of and be binding upon the author-
49 ity and shall be assigned and transferred by the town to the authority,
50 unless such assignment and transfer is prohibited by federal law.

51 2. All such applications, proceedings, licenses, approvals, permits
52 and decisions shall further inure to and for the benefit of and be bind-
53 ing upon any person leasing, acquiring, constructing, maintaining, using
54 or occupying any project financed in whole or in part by the authority.

55 § 2735. Bonds of the authority. 1. (a) The authority shall have power
56 and is hereby authorized from time to time to issue its bonds in such

1 principal amount as, in the opinion of the authority, shall be necessary
2 to provide sufficient funds for achieving its corporate purposes,
3 including the construction, acquisition, reconstruction, rehabilitation,
4 improvement or refinancing of state-owned real property and subject to
5 the provision of this title, the payment of interest on bonds of the
6 authority, establishment of reserves to secure such bonds, and all other
7 expenditures of the authority incident to and necessary or convenient to
8 carry out its corporate purposes and powers. In addition, the authority
9 may, in anticipation of the issuance of bonds or the receipt of appro-
10 priations, grants, reimbursements, revenues or other funds, issue notes
11 the principal of or interest on which or both shall be payable out of
12 the proceeds of bonds of the authority or appropriations, grants,
13 reimbursements, revenues or other funds of the authority. The authority
14 may also enter into bank loan agreements, lines of credit and other
15 security agreements and obtain for or on its behalf letters of credit in
16 each case for securing its bonds or to provide direct payment of any
17 costs which the authority is authorized to pay.

18 (b) The authority shall have power, from time to time, to issue
19 renewal notes, to issue bonds or other obligations to pay notes and
20 whenever it deems refunding expedient, to refund any bonds by the issu-
21 ance of new bonds, whether the bonds to be refunded have or have not
22 matured, and to issue bonds partly to refund bonds then outstanding and
23 partly for any other purpose. The refunding bonds shall be sold and the
24 proceeds applied to the purchase, redemption or payment of the bonds,
25 including any interest thereon, to be refunded.

26 2. Except as may otherwise be expressly provided by the authority,
27 every issue of its bonds shall be general obligations of the authority
28 payable out of any moneys, assets or revenues of the authority, subject
29 as to priority only to any agreements with the holders of particular
30 bonds theretofore or thereafter made pledging, assigning or creating a
31 lien upon any particular moneys, assets or revenues. The authority may
32 provide by agreement with the holders of its bonds that such bonds shall
33 be payable solely from and secured by particular revenues and property
34 of the authority.

35 3. The bonds shall be authorized by a resolution or resolutions of the
36 authority adopted as provided by this title; provided, however, that any
37 such resolution authorizing the issuance of bonds may delegate to one or
38 more members or to an officer of the authority the power to issue such
39 bonds from time to time and to fix the details of any such issue of
40 bonds by an appropriate certificate of such member, members or officer.

41 4. The bonds of the authority shall bear such date or dates, mature at
42 such time or times, bear interest at such rate or rates (simple or
43 compounded), if any, be of such denominations, be in such form, be
44 executed in such manner, be payable in such medium of payment, at such
45 place or places within or without the state, and be subject to such
46 terms of redemption prior to maturity, as may be provided by such resol-
47 ution or resolutions or such certificate with respect to such bonds, as
48 the case may be; provided, however, that no bond or other obligations
49 shall mature more than forty years after the date of issue thereof and
50 no notes or renewal thereof shall mature more than five years after the
51 date of issue of the original notes.

52 5. The bonds of the authority may be sold by the authority at such
53 price or prices, at public or private sale, provided that no issue of
54 bonds may be sold at private sale unless the terms of such sale shall
55 have been approved in writing by (i) the state comptroller, where such
56 sale is not to such comptroller, or (ii) the director of the state divi-

1 sion of the budget, where such sale is to such comptroller, in such
2 manner and from time to time as may be determined by the authority, and
3 the authority may pay all expenses, premiums and commissions which it
4 may deem necessary or advantageous in connection with the issuance and
5 sale thereof.

6 6. Whether or not the bonds are of such form and character as to be
7 negotiable instruments under the terms of the uniform commercial code,
8 the bonds are hereby made negotiable instruments within the meaning of
9 and for all the purposes of the uniform commercial code, subject only to
10 the provisions of the bonds for registration.

11 7. Any resolution or resolutions authorizing any bonds or any issue
12 thereof or any trust indenture or indentures relating to such bonds may
13 contain provisions, which shall be a part of the contract with the hold-
14 ers thereof, as to:

15 (a) pledging, assigning or creating a lien on all or any part of the
16 rates, rentals, fees and charges made or received by the authority, and
17 all or any part of the moneys received or to be received as repayment of
18 loans, to secure the payment of the bonds or of any issue thereof,
19 subject to such agreement with the holders of the authority's bonds as
20 may then exist;

21 (b) pledging, assigning or creating a lien on all or any part of the
22 assets of the authority, including mortgages and obligations securing
23 the same, to secure the payment of the bonds, subject to such agreements
24 with the holders of the authority's bonds as may then exist;

25 (c) the establishment and maintenance of reserves or sinking funds and
26 the regulation and disposition thereof;

27 (d) limitations on the purpose to which the proceeds of sale of any
28 issue of bonds then or thereafter to be issued may be applied and pledg-
29 ing such proceeds to secure the payment of the bonds or of any issue
30 thereof;

31 (e) limitations on the issuance of additional bonds, the terms upon
32 which additional bonds may be issued and secured and the refunding of
33 outstanding bonds;

34 (f) the procedure, if any, by which the terms of any contract with the
35 holders of bonds may be amended or abrogated, the amount of bonds the
36 holders of which must consent thereto, and the manner in which such
37 consent may be given;

38 (g) limitations on the amount of moneys to be expended by the authori-
39 ty for operating, administrative or other expenses of the authority;

40 (h) the creation of special funds into which any moneys of the author-
41 ity may be deposited;

42 (i) vesting in a trustee or trustees such property, rights, powers and
43 duties in trust as the authority may determine, which may include any or
44 all of the rights, powers and duties of the trustee appointed by the
45 holders of bonds pursuant to this title, and limiting or abrogating the
46 right of the holders of bonds to appoint a trustee pursuant to this
47 title or limiting the rights, powers and duties of such trustee;

48 (j) defining the acts or omissions to act which shall constitute a
49 default in the obligations and duties of the authority and providing for
50 the rights and remedies of the holders of bonds in the event of such
51 default, provided, however, that such rights and remedies shall not be
52 inconsistent with the general laws of this state and other provisions of
53 this title; and

54 (k) any other matters, of like or different character, which in any
55 way affect the security or protection of the bonds and the rights of the
56 holders thereof.

1 8. Any pledge or assignment made or lien created by the authority
2 shall be valid and binding from the time when the pledge or assignment
3 is made or the lien is created; the moneys or property so pledged,
4 assigned or encumbered by the authority shall immediately be subject to
5 such pledge, assignment or lien without any physical delivery thereof or
6 further act; and such pledge, assignment or lien shall be valid and
7 binding as against all parties having claims of any kind in tort,
8 contract or otherwise against the authority, irrespective of whether
9 such parties have notice thereof. Neither the resolution nor any other
10 instrument by which a pledge, assignment or lien is made or created need
11 be recorded or filed.

12 9. Neither the members of the authority nor any person executing the
13 bonds shall be liable personally on the bonds or be subject to any
14 personal liability or accountability by reason of the issuance thereof.

15 10. The authority, subject to such agreements with the holders of the
16 authority's bonds as may then exist, shall have power out of any funds
17 available therefor to purchase bonds of the authority.

18 11. The state shall not be liable on bonds of the authority and such
19 bonds shall not be a debt of the state, and such bonds shall contain on
20 the face thereof a statement to such effect.

21 § 2736. Bonds as legal investments. The bonds of the authority are
22 hereby made securities in which all public officers and bodies of this
23 state and all municipalities and municipal subdivisions, all insurance
24 companies and associations, and other persons carrying on an insurance
25 business, all banks, bankers, trust companies, savings banks and savings
26 associations, including savings and loan associations, building and loan
27 associations, investment companies and other persons carrying on a bank-
28 ing business, all administrators, guardians, executors, trustees and
29 other fiduciaries, and all other persons whatsoever who are now or may
30 hereafter be authorized to invest in bonds or other obligations of the
31 state, may properly and legally invest funds, including capital, in
32 their control or belonging to them. The bonds are also hereby made secu-
33 rities which may be deposited with and may be received by all public
34 officers and bodies of this state and all municipalities and municipal
35 subdivisions for any purpose for which the deposit of bonds of this
36 state is now or may hereafter be authorized.

37 § 2737. Exemption from taxation of bonds. It is hereby determined that
38 the creation of the authority is in all respects for the benefit of the
39 people of the state and for the improvement of their health, safety,
40 welfare, comfort and security, and that said purposes are public
41 purposes and that the authority will be performing an essential govern-
42 mental function in the exercise of the powers conferred upon it by this
43 title. The state covenants with the purchasers and all subsequent hold-
44 ers and transferees of bonds issued by the authority, in consideration
45 of the acceptance of and payment for the bonds, that the bonds of the
46 authority, issued pursuant to this title and the income therefrom and
47 all its fees, charges, gifts, grants, revenues, receipts, and other
48 moneys received or to be received, pledged to pay or secure the payment
49 of such bonds shall at all times be free from taxation except for estate
50 or gift taxes and taxes on transfers.

51 § 2738. Moneys of the authority. 1. All moneys of the authority from
52 whatever source derived, except as otherwise authorized or provided in
53 this title, shall be paid to the authority and shall be deposited forth-
54 with in a bank or banks in the state designated by the authority. The
55 moneys in such accounts shall be withdrawn on the order of such person
56 or persons as the authority may authorize. All deposits of such moneys

1 shall, if required by the authority, be secured in such manner as the
2 authority may determine. The state comptroller and his or her legally
3 authorized representatives are authorized and empowered from time to
4 time to examine the accounts and books of the authority, including its
5 receipts, disbursements, contracts, leases, sinking funds, investments
6 and any other records and papers relating to its financial standing.
7 Such an examination shall be conducted by the comptroller at least once
8 in every five years; the comptroller is authorized, however, to accept
9 from the authority, in lieu of such an examination, an external examina-
10 tion of its books and accounts made at the request of the authority.

11 2. Notwithstanding any other provisions of this title related to the
12 investment of moneys of the authority, the authority shall have power to
13 contract with holders of any of its bonds, as to the custody,
14 collection, securing, investment, and payment of any moneys of the
15 authority, of any moneys held in trust or otherwise for the payment of
16 bonds, and to carry out such contract. Moneys held in trust or otherwise
17 for the payment of bonds or in any way to secure bonds and deposits of
18 such moneys may be invested, secured in such manner as shall be set
19 forth in such contract or agreement, and all banks and trust companies
20 are authorized to give such security for such deposits. The authority
21 shall establish and may amend from time to time, guidelines for the
22 investment of its moneys, including those held in trust for the benefit
23 of the holders of bonds, and shall file such guidelines in the authori-
24 ty's public records within sixty days after the adoption of such guide-
25 lines or amendments thereto.

26 3. Subject to the provisions of any agreement with the holders of
27 bonds and to the approval of the comptroller, the authority shall
28 prescribe a system of accounts.

29 4. The authority shall submit to the comptroller, within thirty days
30 of the receipt thereof by the authority, a copy of the report of every
31 external examination of the books and accounts of the authority.

32 § 2739. Agreement of the state. The participating counties and any
33 municipalities within their boundaries are authorized to and the state
34 does hereby pledge to and agree with the owners of any bonds issued by
35 the authority, that they will not limit or alter the rights hereby vest-
36 ed in the authority to fulfill the terms of any agreements made with the
37 holders thereof, or in any way impair the rights and remedies of such
38 holders until such bonds, together with the interest thereon, with
39 interest on any unpaid installments of interest, and all costs and
40 expenses in connection with any action or proceeding by or on behalf of
41 such holders, are fully met and discharged. The authority is authorized
42 to include this pledge and agreement of the state in any agreement with
43 the holders of such bonds.

44 § 2740. Remedies of holders of bonds. 1. In the event that the author-
45 ity shall default in the payment of principal of or interest on any
46 issue of bonds after the same shall become due, whether at maturity or
47 upon call for redemption, and such default shall continue for a period
48 of thirty days, or in the event that the authority shall fail or refuse
49 to comply with the provisions of this title, or shall default in any
50 agreement made with the holders of any issue of bonds, the holders of
51 twenty-five per centum in aggregate principal amount of the bonds of
52 such issue then outstanding, by instrument or instruments filed in the
53 office of the clerk of the county in which the principal office of the
54 authority is located, and proved or acknowledged in the same manner as a
55 deed to be recorded, may appoint a trustee to represent the holders of
56 such bonds for the purposes herein provided.

1 2. Such trustee may, and upon written request of the holders of twenty-five per centum in principal amount of such bonds then outstanding shall, in his, her or its own name:

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4 (a) by suit, action or proceeding in accordance with the civil practice law and rules, enforce all rights of the holders of the authority's bonds, including the right to require the authority to collect fees and charges and interest adequate to carry out any agreement as to, or
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10 pledge or assignment of or lien upon, such fees and charges and interest, on properties and to require the authority to carry out any other agreements with the holders of such bonds and to perform its duties
11 under this title;

12 (b) bring suit upon such bonds;

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

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

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

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21 3. Such trustee shall in addition to the foregoing have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the holders of the authority's bonds in the enforcement and protection of their rights.

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26 4. The supreme court shall have jurisdiction of any suit, action or proceeding by the trustee on behalf of such holders of the authority's bonds. The venue of any such suit, action or proceeding shall be laid in the county in which the principal office of the authority is located.

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30 § 2741. Actions against the authority; court proceedings; preferences; venue. 1. In any case founded upon death, personal injury, property damage or tort a notice of claim shall be required as a condition precedent to the commencement of an action or special proceeding against the authority or any member, officer, appointee or employee thereof, and the provisions of section fifty-e of the general municipal law shall govern the giving of such notice. No action or proceeding of any kind shall be commenced (i) prior to the expiration of thirty days from the date on which the demand, claim or claims upon which the action is founded were presented to a member of the authority or other officer thereof designated for such purpose nor (ii) more than one year and ninety days after the cause of action therefor shall have accrued, except that an action against the authority for wrongful death shall be commenced in accordance with the notice of claim and time limitation provisions of title eleven of article nine of this chapter.

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45 2. Any action or proceeding to which the authority or the people of the state may be parties, in which any question arises as to the validity of this title, shall be preferred over all other civil causes of action or cases except election causes of action or cases in all courts of the state and shall be heard and determined in preference to all other civil business pending therein except election causes, irrespective of position on the calendar. The same preference shall be granted upon application of the authority or its counsel in any action or proceeding questioning the validity of this title in which the authority may be allowed to intervene. The venue of any such action or proceeding shall be laid in the supreme court of the county in which the principal office of the authority is located.

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1 § 2742. Limitation of liability; indemnification. 1. Neither the
2 members of the authority nor any person acting on its behalf, while
3 acting within the scope of their authority, shall be subject to any
4 personal liability resulting from carrying out any of the powers
5 expressly given in or authorized by this title.

6 2. The provisions of section eighteen of the public officers law shall
7 apply to members, officers, employees and agents of the authority in
8 connection with any and all claims, demands, suits, actions or
9 proceedings which may be made or brought against any of them arising out
10 of any determinations made or actions taken or omitted to be taken in
11 compliance with any obligations under or pursuant to the terms of this
12 title.

13 § 2743. Exemption from taxation of property and income. The property
14 of the authority, and its income and operations shall be exempt from
15 taxation or assessments of every kind and nature; nor shall the authori-
16 ty be required to pay any filing or recording fee or transfer tax of any
17 kind on account of instruments filed or recorded by it or on its behalf.
18 Mortgages made or financed (directly or indirectly) by the authority
19 shall be exempt from the mortgage recording taxes imposed by article
20 eleven of the tax law.

21 § 2744. Assistance by state officers, departments, boards and commis-
22 sions. The department of audit and control, department of law, and all
23 other state officers, agencies, departments, boards, divisions and
24 commissions may render such services to the authority within their
25 respective functions as may be requested by the authority.

26 § 2745. State, counties and municipalities not liable on bonds.
27 Neither the state, the counties nor any other municipality or public
28 corporation shall be liable on the bonds of the authority and such bonds
29 shall not be a debt of the state, the counties, any other municipality
30 or public corporation, and such bonds shall contain on the face thereof,
31 a statement to such effect.

32 § 2746. Annual reports. 1. The authority shall submit to the governor,
33 the chairman of the senate finance committee, the chairman of the assem-
34 bly ways and means committee, the minority leader of the senate, the
35 minority leader of the assembly, the state comptroller and the state
36 director of the division of the budget within ninety days after the end
37 of its fiscal year, a complete and detailed report setting forth: (i)
38 its operations and accomplishments; (ii) its receipts and expenditures
39 during such fiscal year in accordance with the categories or classifica-
40 tions established by the authority for its operating and capital outlay
41 purposes, including a listing of all private consultants engaged by the
42 authority on a contract basis and a statement of the total amount paid
43 to each such private consultant; (iii) its assets and liabilities at the
44 end of its fiscal year, including a schedule of its loans and commit-
45 ments; and (iv) a schedule of its bonds outstanding at the end of its
46 fiscal year, together with a statement of the amounts redeemed and
47 incurred during such fiscal year.

48 2. Within ninety days after the end of the first fiscal year, the
49 authority shall provide a timeline for the work of such authority and
50 shall include an inventory of all unused and/or surplus property to
51 submit to the governor, the chairman of the senate finance committee,
52 the chairman of the assembly ways and means committee, the minority
53 leader of the senate, and the minority leader of the assembly.

54 § 2747. Separability. If any clause, sentence, paragraph, section or
55 part of this title shall be adjudged by any court of competent jurisdic-
56 tion to be invalid, such judgment shall not affect, impair or invalidate

1 the remainder thereof, but shall be confined in its operation to the
2 clause, sentence, paragraph, section or part thereof involved in the
3 controversy in which such judgment shall have been rendered.

4 § 2. This act shall take effect on the ninetieth day after it shall
5 have become a law. Effective immediately, the addition, amendment
6 and/or repeal of any rule or regulation necessary for the implementation
7 of this act on its effective date are authorized to be made and
8 completed on or before such effective date.