

# STATE OF NEW YORK

7649

2023-2024 Regular Sessions

## IN SENATE

September 11, 2023

Introduced by Sen. MANNION -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the public authorities law and the executive law, in relation to establishing the Oswego river basin authority

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 36 to read as follows:

3 TITLE 36

4 OSWEGO RIVER BASIN AUTHORITY

5 Section 2799-aaaaa. Short title.

6 2799-bbbbb. Definitions.

7 2799-ccccc. Oswego river basin authority.

8 2799-ddddd. Organization of the Oswego river basin authority.

9 2799-eeeee. General duties.

10 2799-fffff. General powers.

11 2799-ggggg. Oswego river basin advisory committee.

12 2799-hhhhh. Oswego river basin intergovernmental council.

13 2799-iiiiii. Acquisition of real estate.

14 2799-jjjjj. Discontinuance or relocation, or both, of highways,  
15 roads and streets.

16 2799-kkkkk. Taxation of real estate.

17 2799-lllll. Cemeteries.

18 2799-mmmmm. Procedure for construction of reservoirs, dams and  
19 other flood mitigation structures.

20 2799-nnnnn. Operation of reservoirs, dams or other flood miti-  
21 gation structures.

22 2799-ooooo. Apportionment of cost.

23 2799-ppppp. Assessments; how levied and collected.

24 2799-qqqqq. Operation and maintenance charges.

25 2799-rrrrr. Error in names.

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

LBD13168-02-3

1 2799-sssss. Financing.

2 2799-ttttt. Reports.

3 2799-uuuuu. Hearings; hearing officers; determinations.

4 2799-vvvvv. Title not affected if in part unconstitutional or  
5 ineffective.

6 2799-wwwww. Actions against the authority.

7 § 2799-aaaaa. Short title. This title shall be known and may be cited  
8 as the "Oswego river basin authority act".

9 § 2799-bbbbb. Definitions. As used in this title, the following terms  
10 shall have the following meanings:

11 1. "Real estate" shall include, when used without words of limitation,  
12 all uplands, lands under water, the waters of any lake, pond or stream,  
13 all water and riparian rights or privileges, all water powers, water  
14 plants, and all dams, races, sluiceways and machinery connected there-  
15 with, and any and all easements and incorporeal hereditaments, and every  
16 estate, interest and right, legal or equitable, in land or water,  
17 including terms for years, and liens, legal or equitable, on real  
18 estate, as above defined, in way of judgment, mortgage or otherwise, and  
19 all real estate as above defined acquired or used for railroad, highway,  
20 or other public purposes.

21 2. "Reservoir" means a basin for impounding water, formed or enlarged  
22 by a dam, constructed or maintained for the purpose of regulating the  
23 flow of a stream or river and shall be construed to include the dams and  
24 dikes or other structures by means of which the water is or is to be  
25 impounded, the gate houses, including controlling gates, sluices,  
26 screens, racks and other accessories thereto; spillways, fishways, log  
27 or ice chutes, or barriers and all accessories thereto; all bridges or  
28 roadways over or appurtenant to the dams and dikes; all other struc-  
29 tures, devices, or appliances connected with or appurtenant to any of  
30 the structures hereinbefore enumerated, in such manner that they cannot  
31 be removed without injury to such structures or without impairing the  
32 usefulness thereof for the purposes for which they are intended; the  
33 lands under the water impounded, or to be impounded, by the dam or dams,  
34 and such lands surrounding or adjacent to the dam, or the water impound-  
35 ed or to be impounded thereby, and such other real estate and appli-  
36 ances, including roadways and telephone lines, as shall be necessary for  
37 the purposes of the construction, maintenance, or operation of a reser-  
38 voir, as above defined, also including such land surrounding such reser-  
39 voir as may be necessary to preserve and protect such reservoir from  
40 unsanitary conditions, and from any encroachment affecting its use for  
41 the purpose of regulating the flow of the stream or river for the regu-  
42 lation of which it may be constructed. Such term is not intended to  
43 include a reservoir created by a dam constructed or maintained for power  
44 purposes except when necessity or emergency requires the control, regu-  
45 lation, adjustment or monitoring of water flows of such reservoir  
46 created by a dam constructed or maintained for power purposes pursuant  
47 to section twenty-seven hundred ninety-nine-oooo of this title, but is  
48 intended to include a reservoir at or by reason of which there may be,  
49 as an incident to the construction, maintenance and operation of such  
50 reservoir, the possibility of the utilization of a portion of the water  
51 stored thereby for power purposes, without in any way interfering with  
52 the primary purpose of a reservoir constructed under the provisions of  
53 this title.

54 3. "Benefit" or "benefits" shall be interpreted to include benefits to  
55 real estate, public or private, to municipal water supply, to naviga-  
56 tion, to flood mitigation, to flood emergency response, to agriculture

1 and to industrial and general welfare by reason of the maintenance and  
2 operation of a reservoir, dam or other flood mitigation structure,  
3 whether such benefit shall inure to a person, a public corporation or  
4 the state. In the event that any reservoir, dam or other flood miti-  
5 gation structure operates to relieve the state of any obligation by  
6 reason of diversion of the water of any river for canal purposes, the  
7 state, to the extent that the maintenance and operation of such reser-  
8 voir, dam or other flood mitigation structure may accomplish such  
9 relief, shall be deemed to have received benefit therefrom.

10 4. "Authority" means the Oswego river basin authority.

11 5. "Preliminary expenses" means expenditures made or incurred by the  
12 state on account of the services or expenses of its officers or employ-  
13 ees in making studies, investigations, surveys, plans, specifications  
14 and estimates; in negotiating, drafting, and letting contracts; in  
15 supervising and directing the construction of works and structures, as  
16 authorized or required by this title; and the expenses of procuring  
17 searches, or abstracts of title of real estate for the purpose of carry-  
18 ing out the provisions of this title.

19 6. "Regulation" means only such regulation as can be had through the  
20 construction, maintenance, operation, monitoring and adjustment of water  
21 flows of a reservoir, dam or other flood mitigation structure, excepting  
22 as otherwise expressly provided in this title.

23 7. "Average flow" means that result in terms of cubic feet of water  
24 per second derived by the division of the total number of cubic feet of  
25 water flowed by any stream or river, at the location thereon where the  
26 measurement is taken, in one year, or for an average of years, by the  
27 number of seconds in a year.

28 8. "Average normal flow" or "normal flow" means that result in terms  
29 of cubic feet of water per second derived by the division of the total  
30 number of cubic feet of water flowed by any stream or river, at the  
31 location thereon where the measurement thereof is taken, on those days  
32 in a year during which such flow did not exceed the average flow, by the  
33 number of seconds in the total number of such days.

34 9. "Cost of construction" shall include, in addition to the cost of a  
35 reservoir, dam or other flood mitigation structure, all preliminary  
36 expenses, all expenses of organization of the authority, engineering  
37 fees, costs of surveys, plans, advertising, salaries, compensation and  
38 expenses of the authority, together with all legal and other expenses,  
39 incidental to the construction of such reservoir, dam or other flood  
40 mitigation structure up to time of the completion thereof.

41 10. "Cost of maintenance and operation" shall include all expenses for  
42 repairs and upkeep of a reservoir, dam or other flood mitigation struc-  
43 ture, all such expenses necessary to the proper operation of such reser-  
44 voir, dam or other flood mitigation structure for the purposes for which  
45 it was constructed and all such part of the compensation and expenses of  
46 the authority, its officers and employees after the completion of such  
47 reservoir, dam or other flood mitigation structure as are in the judg-  
48 ment of the authority.

49 11. "High flow line" means the line which will be made around a reser-  
50 voir, dam or other flood mitigation structure, as applicable, by the  
51 water therein when it is at the level of the crest of the reservoir, dam  
52 or other flood mitigation structure spillway.

53 12. "Low flow line" means the line made by the water of a reservoir,  
54 dam or other flood mitigation structure, if applicable, when it is at  
55 the lowest level which, consistent with the regulation of the flow of

1 the river and the maintenance of sanitary conditions, the authority  
2 shall fix and determine.

3 13. "Unsanitary condition or conditions" means such condition or  
4 conditions which are a menace to the public health.

5 14. "Filing" means, whenever it is required that copies of maps and  
6 documents be filed, certified copies thereof shall be filed in the  
7 offices of the clerks of each county, town, city or incorporated  
8 village, any part of which wholly or partially contained within the  
9 Oswego river basin, and made available on the website of the authority.

10 15. "Recorded" means, whenever it is required that any document be  
11 recorded, the authority shall send a certified copy thereof to the clerk  
12 of each county, town, city or incorporated village, any part of which  
13 wholly or partially contained within the Oswego river basin, and it  
14 shall be the duty of such clerk thereupon to record such document and to  
15 collect the legal fees therefor.

16 16. "Costs" means, whenever it is practicable so to do, in the cost of  
17 any surveys, maps, estimates, determinations of enhancements, apportion-  
18 ments of costs or assessments made, or construction, maintenance or  
19 repair work carried out, the inclusion of the cost of all proceedings,  
20 hearings, notifications, filings, recordings, and engineering, legal and  
21 other services and expenses which may lawfully be incurred, including  
22 the cost of acquisition of lands and rights of way, suits and prose-  
23 cutions.

24 17. "Assessment" means the whole or any appropriate part of the proce-  
25 dure by which the cost of any proceeding or construction project is made  
26 a legal charge on certain properties. It may include the determination  
27 of enhancements and apportionment of construction and other costs.  
28 Assessment includes similar proceedings once specified in former or  
29 other general and special laws with regard to drainage.

30 18. "National flood insurance program" means that act of Congress  
31 codified as chapter fifty of title forty-two of the United States code,  
32 all acts amendatory thereof and all regulations promulgated thereunder.

33 19. "Projects and activities" means any action taken by the authority  
34 in the implementation of this title.

35 20. "Oswego river basin" means a watershed in the state of New York  
36 comprised of all rivers, streams, creeks, lakes, reservoirs and the  
37 surrounding land areas or other drainage, including but not limited to  
38 canals, that drains or flows via the Oswego river into Lake Ontario.

39 21. "Disconnected floodplain" means an area in a floodplain identified  
40 by the federal emergency management agency or the department of environ-  
41 mental conservation that is disconnected from rivers and streams by  
42 berms, roads, structures, or other development for any reason.

43 22. "North American vertical datum of 1988" means an elevation survey-  
44 ing system developed by the national oceanic and atmospheric adminis-  
45 tration, or successor elevation surveying system developed by such  
46 administration.

47 23. "Canal corporation" means the New York state canal corporation.

48 24. "Reservoir, dam or other flood mitigation structure" means any  
49 structure constructed, owned, operated, maintained, or regulated by the  
50 authority used to mitigate flood events or to regulate the flow of water  
51 in the Oswego river basin, including but not limited to a reservoir, as  
52 defined in subdivision two of this section.

53 25. "Forest preserve" shall have the same meaning as such term is  
54 defined pursuant to subdivision six of section 9-0101 of the environ-  
55 mental conservation law.

1 § 2799-ccccc. Oswego river basin authority. For the purpose of effec-  
2 tuating the general duties and powers established by this title, includ-  
3 ing but not limited to, flood mitigation, water flow management, water  
4 flow monitoring, emergency management and flood response, and any other  
5 duty or power contained in this title, there is hereby created a corpo-  
6 rate municipal instrumentality of the state to be known as the "Oswego  
7 river basin authority", which shall be a body corporate and politic, and  
8 a political subdivision of the state, exercising governmental and public  
9 powers, perpetual in duration, capable of suing and being sued, and  
10 which shall have the general powers and duties hereinafter enumerated,  
11 together with such others as may hereafter be conferred upon it by law.

12 § 2799-ddddd. Organization of the Oswego river basin authority. 1.  
13 The authority shall consist of seven trustees, who shall serve respec-  
14 tively for terms of one, two, three, four, five, six and seven years, to  
15 be appointed by the governor, by and with the advice and consent of the  
16 senate. Each trustee shall hold office until a successor has been  
17 appointed and qualified. At the expiration of the term of each trustee  
18 and of each succeeding trustee, the governor shall, by and with the  
19 advice and consent of the senate, appoint a successor, who shall hold  
20 office for a term of five years, or until a successor has been appointed  
21 and qualified. In the event of a vacancy occurring in the office of the  
22 trustee by death, resignation or otherwise, the governor shall, by and  
23 with the advice and consent of the senate, appoint a successor, who  
24 shall hold office for the unexpired term. Four trustees shall constitute  
25 a quorum for the purpose of organizing the authority and conducting the  
26 business thereof.

27 2. Each trustee of the authority, before entering upon such trustee's  
28 duties, shall take and subscribe the constitutional oath of office,  
29 which oath shall be filed in the office of the secretary of state. Upon  
30 taking the oath, the trustees shall choose from among their own number a  
31 chair and vice-chair and shall select a treasurer. The chair shall also  
32 act as chief executive officer whose appointment shall be subject to  
33 confirmation by the senate. The trustees shall adopt by-laws and rules  
34 and regulations suitable to the purposes of this title. The trustees  
35 shall adopt a seal and shall keep in well-bound books a record of all  
36 its meetings and proceedings, certificates, contracts, surety bonds, and  
37 corporate acts, which shall be open to the inspection of the trustees  
38 thereof, all owners of real estate in the Oswego river basin and the  
39 public, and shall make all such information available on the authority's  
40 website.

41 3. The trustee chosen as chair, as provided in subdivision two of this  
42 section, shall receive an annual salary which shall be set by the trus-  
43 tees of the authority, and which shall not exceed the salary prescribed  
44 for the positions listed in paragraph (c) of subdivision one of section  
45 one hundred sixty-nine of the executive law. All other trustees shall  
46 not receive a salary or other compensation. Each trustee shall receive  
47 such trustee's reasonable expenses in the performance of such trustee's  
48 duties hereunder. The trustee chosen as chair may elect to become a  
49 member of the New York state and local employees' retirement system on  
50 the basis of such compensation to which such chair shall be entitled as  
51 herein provided, notwithstanding the provisions of any general, special  
52 or local law, municipal charter, or ordinance.

53 4. The chief executive officer shall keep and be the custodian of the  
54 records of the authority, and of its corporate seal, and shall assist  
55 the authority in such particulars as it may direct in the performance of  
56 its duties and responsibilities as enumerated in this title. Such offi-

1 cer shall attest under the corporate seal of the authority all certified  
2 copies of the office records and files of the authority that may be  
3 required of such officer by the provisions of this title or by any  
4 person ordering the same and paying the reasonable cost of tran-  
5 scription. Any portion of the records so certified and attested shall  
6 prima facie import verity. The chief executive officer shall also serve  
7 as treasurer of the authority unless a separate treasurer is selected by  
8 the authority.

9 5. The authority may employ such attorneys, engineers, agents, assist-  
10 ants and employees as may be necessary, and fix their compensation,  
11 including the compensation of its treasurer.

12 6. The governor may remove a trustee of the authority for inefficien-  
13 cy, neglect of duty or misconduct in office, giving to such trustee a  
14 copy of the charges against such trustee and an opportunity of being  
15 publicly heard in person or by counsel in such trustee's own defense  
16 upon not less than ten days' notice. If such trustee shall be removed,  
17 the governor shall file in the office of the secretary of state a  
18 complete statement of all charges made against such trustee and the  
19 findings thereon, together with a complete record of the proceedings.

20 § 2799-eeee. General duties. 1. (a) (i) Upon its creation the author-  
21 ity shall prepare a draft Oswego river basin management plan (hereinaft-  
22 er referred to as the "draft basin management plan") for the regulation  
23 of the flow of water in the Oswego river basin. Such draft basin manage-  
24 ment plan shall show:

25 (1) the existing sites of reservoirs, dams or other flood mitigation  
26 structures on such basin, whether any reservoir, dam or other flood  
27 mitigation structure now existing can be and should be enlarged and to  
28 what extent, and the approximate number of acres of land flowed or to be  
29 flowed by each reservoir, dam or other flood mitigation structure;

30 (2) available and feasible sites of reservoirs, dams or other flood  
31 mitigation structures on such basin and the approximate number of acres  
32 of land to be flowed by each such reservoir, dam or other flood miti-  
33 gation structure;

34 (3) whether any of such land identified by items one and two of this  
35 subparagraph is owned by the state, if any, and how many acres, the  
36 number of acres of private land required, together with the estimated  
37 value of the land, and how many acres, if any, of such land are lands of  
38 the state within the forest preserve. Such acreage shall include such  
39 quantity of land surrounding a reservoir, dam or other flood mitigation  
40 structure to be created or enlarged as would in the judgment of the  
41 authority be required for the protection, maintenance and operation of  
42 such reservoir, dam or other flood mitigation structure for the effectu-  
43 ation of the general duties and powers of this title;

44 (4) a system to notify emergency first responders, including the divi-  
45 sion of homeland security and emergency services, local police depart-  
46 ments and other emergency first responders wholly or partially contained  
47 within the Oswego river basin, of high flow and flood flow events, and  
48 other emergency events as determined by the authority;

49 (5) other strategies to address any of the general duties enumerated  
50 or detailed in this section;

51 (6) a system for the procedure for the monitoring of water flows  
52 throughout the whole Oswego river basin; and

53 (7) a map of all disconnected floodplains in the Oswego river basin.

54 (ii) Additionally, the draft basin management plan shall be accompa-  
55 nied by such maps, profiles and other data and descriptions as may be  
56 necessary to set forth properly the duties detailed in this section.

1 including, but not limited to the location and character of the work and  
2 of the property to be taken or damaged and by estimates of cost of each  
3 such reservoir, dam or other flood mitigation structure. Further, the  
4 draft basin management plan shall use the North American vertical datum  
5 of 1988 as a common datum to communicate all elevations. In the case  
6 that maps, plans and specifications for any such reservoir, dam or other  
7 flood mitigation structure at or near the site thereof are on file in  
8 any other department of state government or other state entity and would  
9 be an aid in the preparation of such draft basin management plan, such  
10 maps, plans and specifications shall be available to the authority for  
11 such purpose.

12 (b) The draft basin management plan shall be developed in consultation  
13 with the Oswego river basin advisory committee established pursuant to  
14 section twenty-seven hundred ninety-nine-ggggg of this title and other  
15 stakeholders as determined by the authority.

16 (c) The authority shall hold at least two regional public comment  
17 hearings on such draft basin management plan and shall allow at least  
18 one hundred twenty days for the submission of public comment prior to  
19 the approval of such plan.

20 (d) The authority shall provide meaningful opportunities for public  
21 comment from all segments of the population that will be impacted by the  
22 draft basin management plan, including a community enrolled in the  
23 national flood insurance program.

24 (e) Upon the completion of such draft basin management plan, public  
25 hearings and the public comment period, the authority may approve such  
26 plan and shall certify such plan by resolution. The authority may, by  
27 resolution, chose to modify such plan and approve it as so modified.  
28 Once approved by the authority, such plan shall be known as the "offi-  
29 cial Oswego river basin management plan" or "official plan" for the  
30 regulation of the flow of water in the Oswego river basin. Such plan in  
31 like manner may be altered from time to time, provided such alteration  
32 shall not affect any assessment already made and such alteration shall  
33 only occur after a period of public comment and a public hearing. As  
34 soon as practicable, the authority shall make the draft Oswego river  
35 basin management plan and the official Oswego river basin management  
36 plan available to the public for inspection and examination at every  
37 office of the authority and on the authority's website. Digital files  
38 of such plans shall also be made available, upon request, to the clerk  
39 of each county, city, town or village in which the Oswego river basin or  
40 a portion thereof is located.

41 2. The authority shall create and conduct an education and outreach  
42 campaign in the Oswego river basin, and in doing so may incorporate  
43 strategies from any communication plan developed by the committee.

44 3. Any projects or activities, including the construction of any  
45 reservoirs, dams or other flood mitigation structures, undertaken by the  
46 authority shall ensure full compliance with article eight of the envi-  
47 ronmental conservation law.

48 § 2799-fffff. General powers. 1. The authority shall have power to  
49 promulgate rules and regulations necessary for the effectuation of the  
50 powers and duties enumerated in this title.

51 2. The authority and its authorized agents may enter upon any lands,  
52 as in its judgment may be necessary, for the purpose of making surveys  
53 and examinations to accomplish any purpose authorized by this title, and  
54 shall be liable only for actual damage done.

55 3. The authority shall have and may exercise all of the powers enumer-  
56 ated in this title, and in addition thereto all such other powers as are

1 necessary and proper to carry into execution the powers expressly grant-  
2 ed to it, including the power to:

3 (a) make such channel improvements as may be necessary to prevent  
4 damage to downstream properties by the waters released from a reservoir,  
5 dam or other flood mitigation structure;

6 (b) mitigate any and all flood events;

7 (c) manage and adjust the flow of water in the Oswego river basin;

8 (d) monitor the flow of water in the Oswego river basin; and

9 (e) coordinate and cooperate with emergency management and flood  
10 response, if necessary and appropriate.

11 4. Notwithstanding any law, rule or regulation to the contrary, the  
12 authority shall have charge of the control, operation, maintenance, and  
13 adjustment of water levels of all reservoirs, dams or other flood miti-  
14 gation structures currently in existence, or hereafter constructed,  
15 along all points and portions of the Oswego river basin for the regu-  
16 lation of the flow of water in such basin, including any reservoir, dam  
17 or other flood mitigation structure owned, operated, controlled or  
18 otherwise overseen by a county, city, town, or village, excluding howev-  
19 er:

20 (a) a reservoir, dam or other flood mitigation structure which is or  
21 may be maintained primarily to provide water for the canal system of the  
22 state, provided however, that the authority may have charge of the  
23 control, operation, maintenance, and adjustment of such reservoir upon  
24 an agreement or contract between the authority and the canal corpo-  
25 ration; and

26 (b) reservoirs owned or operated by a holder of a license issued under  
27 the federal power act, provided however, that the authority may have  
28 charge of the control, operation, maintenance, and adjustment of such  
29 reservoir upon an agreement or contract between the authority and such  
30 holder of a license issued under the federal power act.

31 5. The authority shall have the right to establish and maintain stream  
32 gauges and rain gauges, and may make such surveys and examinations of  
33 rainfall, stream flow and flood conditions, and of other scientific and  
34 engineering subjects as may be necessary and proper for the purposes of  
35 the authority at any location in the Oswego river basin, and shall  
36 preserve a record thereof available to the public on the authority's  
37 website. Digital files of such stream gauges and rain gauges shall also  
38 be made available, upon request, to the clerk of each county, city, town  
39 or village in which the Oswego river basin or a portion thereof is  
40 located.

41 6. The authority, subject to the limitations of this title, shall have  
42 a dominant right of eminent domain over any right of eminent domain of  
43 public corporations. In exercise of such right, the authority shall take  
44 due care to ensure no unnecessary damage to other public utilities, and  
45 in the case of failure to agree upon the mode and terms of interference,  
46 the authority shall take due care not to interfere with any operation  
47 and usefulness beyond the actual necessities of the case, and shall pay  
48 due regard to other public interests involved.

49 7. The authority shall have power to consent to the transfer of juris-  
50 isdiction over lands under its jurisdiction to any state department or a  
51 bureau, division or agency thereof, or to any state agency, upon such  
52 terms and conditions and under such regulations and restrictions as such  
53 authority shall deem just and proper, provided, however, that the use of  
54 such lands shall not interfere with the purposes for which they were  
55 acquired.

1 8. The authority shall have the power to coordinate with the Onondaga  
2 county water authority as established by title seven of article five of  
3 this chapter. Further, the authority shall immediately, upon making a  
4 request to the Onondaga county water authority, assume all duties and  
5 powers of the Onondaga county water authority related to the effectua-  
6 tion of the general duties and powers enumerated in this title in order  
7 to mitigate flood events in the Oswego river basin, including but not  
8 limited to the control, operation, maintenance, and adjustment of water  
9 levels of all reservoirs, dams or other flood mitigation structures  
10 owned or operated by the Onondaga county water authority. The Onondaga  
11 county water authority shall regain all powers and duties ceded to the  
12 authority at the end of a flood event, as determined by the authority,  
13 or upon the relinquishment by the authority.

14 9. The authority shall have the power to coordinate with an authority  
15 established pursuant to title eight-a of article five of this chapter.  
16 Further, the authority shall immediately, upon making a request to any  
17 such authority established by title eight-a of article five of this  
18 chapter, assume all duties and powers of such authority established by  
19 such title related to the effectuation of the general duties and powers  
20 enumerated in this title in order to mitigate flood events in the Oswego  
21 river basin, including but not limited to the control, operation, main-  
22 tenance, and adjustment of water levels of all reservoirs, dams or other  
23 flood mitigation structures owned or operated by an authority estab-  
24 lished by title eight-a of article five of this chapter. An authority  
25 established by title eight-a of article five of this chapter shall  
26 regain all powers and duties ceded to the authority at the end of a  
27 flood event, as determined by the authority, or upon the relinquishment  
28 by the authority.

29 § 2799-ggggg. Oswego river basin advisory committee. 1. There is here-  
30 by established within the authority the Oswego river basin advisory  
31 committee (hereinafter referred to as "the committee"), consisting of  
32 twenty-one members to advise the chair of the authority on matters  
33 relating to the state's role in managing the Oswego river basin, includ-  
34 ing but not limited to regional and federal activities aimed at regulat-  
35 ing the flow of water, flood mitigation, the coordination of emergency  
36 flood response, domestic, municipal, industrial and agricultural water  
37 supplies, navigation, hydroelectric power and energy production, recre-  
38 ation, fish and wildlife habitat and a balanced ecosystem.

39 2. The committee shall:

40 (a) advise the chair of the authority on the creation, implementation  
41 and modification to the draft Oswego river basin management plan and the  
42 Oswego river basin management plan as developed pursuant to section  
43 twenty-seven hundred ninety-nine-eeee of this title;

44 (b) advise the members of the Oswego river basin intergovernmental  
45 council, as established pursuant to section twenty-seven hundred nine-  
46 ty-nine-hhhhh, as needed; and

47 (c) annually identify specific research or program needs for funding  
48 from state, federal, private or other sources. Such annual program, with  
49 as much detail on the scope and expectations of each project as is prac-  
50 tical, shall be submitted to the authority, which shall select specific  
51 projects from the program, recommended by the committee, and shall  
52 furnish the governor and the director of the division of the budget such  
53 estimates and information for inclusion in the budget of the state.

54 3. The governor shall appoint nine members to the committee, with one  
55 member representing an institution that performs research on the issues  
56 and the problems of the Oswego river basin, one member representing a

1 labor union whose members derive their livelihood from the Oswego river  
2 basin, three members representing environmental or conservation organ-  
3 izations with interests in the Oswego river basin, two members repres-  
4 enting business organizations whose commercial interest lies in activ-  
5 ities in or around the Oswego river basin, one member representing a  
6 municipality wholly or partially contained within the Oswego river basin  
7 and one member representing a county having a population of four hundred  
8 fifty thousand people or more wholly or partially contained within the  
9 Oswego river basin. The temporary president of the senate and the speak-  
10 er of the assembly shall each appoint two members who have a demon-  
11 strated knowledge in Oswego river basin issues. The chair of the author-  
12 ity, the commissioners of the departments of environmental conservation,  
13 health, transportation, and economic development, the director of the  
14 canal corporation, the chair of the power authority of the state of New  
15 York and the commissioner of the division of homeland security and emer-  
16 gency services or their designated representative shall be ex-officio  
17 members. The appointed members of the committee shall serve terms of  
18 three years, provided, however, that of the members first appointed by  
19 the governor, three members shall be appointed for a term of three  
20 years, three members shall be appointed for a term of two years and  
21 three members shall be appointed for a term of one year. An appointment  
22 to fill a vacancy shall be made for the remainder of the affected term  
23 in the same manner as the original appointment was made. Such appoint-  
24 ment shall be made within sixty days of the date the position becomes  
25 vacant. Members shall serve until their successor has been appointed.

26 4. The advisory committee shall meet for the first time within one  
27 hundred eighty days after the creation of the authority pursuant to this  
28 title, and thereafter shall meet a minimum of three times annually.

29 5. Advisory committee members shall receive no compensation for their  
30 services, but shall be reimbursed for their actual and necessary  
31 expenses incurred during the performance of their duties.

32 6. The committee shall submit a report by the first of January next  
33 succeeding the date this section shall take effect and annually there-  
34 after to the governor, the speaker of the assembly and the temporary  
35 president of the senate. Such report shall include an evaluation of the  
36 problems and conditions of the Oswego river basin, recommendations for  
37 the authority and legislative recommendations.

38 7. The committee shall develop a communication plan for high flow and  
39 flood flow events and submit such plan and recommendations to implement  
40 such plan to the authority, the governor, the speaker of the assembly  
41 and the temporary president of the senate. Further, the authority shall  
42 make such communication plan available on the website of the authority  
43 and share such communication plan with other state entities when  
44 requested.

45 § 2799-hhhhh. Oswego river basin intergovernmental council. 1. The  
46 authority may establish, by the passage of a resolution, an Oswego river  
47 basin intergovernmental council (hereinafter referred to as "the coun-  
48 cil") which shall consist of members from any county, city, town,  
49 village, school district, local police department, state entity, a hold-  
50 er of a license issued under the federal power act, lake association or  
51 private entity, or any combination thereof, operating or contained whol-  
52 ly or partially within the Oswego river basin. Such establishment of a  
53 council shall effectuate the implementation of the authority's general  
54 duties or powers and improve coordination or communication with public  
55 and private entities which are wholly or partially contained or operate  
56 within the Oswego river basin or otherwise improve flood mitigation

1 efforts in the Oswego river basin. When an Oswego river basin intergov-  
2 ernmental council is established, such council shall have the power to:

3 (a) make surveys and studies and conduct research programs to aid in  
4 the solution of local flood mitigation problems and in efforts to  
5 improve authority administration and services;

6 (b) provide for the distribution of information resulting from such  
7 surveys, studies and programs created, established or produced by the  
8 authority or the council;

9 (c) consult and cooperate with appropriate state, municipal and public  
10 or private agencies in matters affecting the powers and duties of the  
11 authority; and

12 (d) devise recommendations for obtaining greater economy and efficien-  
13 cy in the planning and provision of authority services and provide such  
14 recommendations to the authority.

15 2. When a council is established pursuant to subdivision one of this  
16 section, the members of the council shall adopt by-laws to govern its  
17 activities. The chair of the authority shall be the chair of the coun-  
18 cil established by this section and shall appoint members to the coun-  
19 cil. Such chair shall select from the members a secretary and other  
20 necessary officers to serve for such period as the members shall agree.

21 3. The authority shall provide the council with such facilities,  
22 assistance and data as necessary to assist the council to carry out its  
23 duties. Additionally, all other agencies of the state or subdivisions  
24 thereof may, at the request of the chair, provide the council with such  
25 assistance and data as is necessary for the council to carry out its  
26 duties.

27 § 2799-iiiiii. Acquisition of real estate. 1. The authority shall,  
28 subject to the provisions of this section, have the right to condemn for  
29 the use of the authority any real estate which is determined to be  
30 necessary for the purpose of carrying out any provisions of this title.  
31 It may acquire title to such real estate by agreement with the owner of  
32 such real estate and upon payment therefor of the amount of compensation  
33 to be paid to such owner. Additionally, the authority may acquire title  
34 to real estate by agreement with the owner of such real estate and upon  
35 payment therefor of the amount of compensation to be paid such owner for  
36 the purpose of restoring a disconnected floodplain in the Oswego river  
37 basin.

38 2. If any real estate belonging to any county, city, town, village or  
39 school district is required for the purposes of this title, the county  
40 legislative body for such county, the mayor and common council or  
41 governing body for such city, the town authority for such town, the  
42 village authority for such village, the trustees or authority of educa-  
43 tion of any school district for such authority, or any persons, body or  
44 bodies, having a like power, acting for a public corporation may grant  
45 or surrender such real estate for such compensation as may be agreed  
46 upon by such official representatives and the authority. The compen-  
47 sation agreed upon as thus provided shall be paid to the fiscal officer  
48 of the public corporation or the person or persons from whom such real  
49 estate is acquired.

50 3. If the authority cannot agree with the owner upon the compensation  
51 and damages to be paid for the real estate so acquired, it shall serve  
52 upon such owner a notice that such real estate described therein has  
53 been acquired by the authority for the purposes of this title, and shall  
54 proceed to acquire title of such real estate under the provisions of the  
55 eminent domain procedure law.

1 4. If any real property, owned by a corporation having the power by  
2 law to exercise the right of eminent domain, is acquired pursuant to the  
3 eminent domain procedure law, the authority shall have no right to enter  
4 upon and take possession of any such real estate until the owner thereof  
5 shall have been paid or tendered the amount due under the final order  
6 and judgment in such proceedings, with interest.

7 5. If any such payments are made directly by the authority, the amount  
8 so paid shall be refunded to the authority out of the general fund of  
9 the authority, as provided in subdivision seven of section twenty-seven  
10 hundred ninety-nine-sssss of this title.

11 6. Title to all real estate acquired pursuant to the provisions of  
12 this title, except where expressly provided otherwise, shall be acquired  
13 in the name of the state of New York, and when so acquired shall be  
14 deemed to be acquired for public use.

15 7. All real estate acquired or taken pursuant to the provisions of  
16 this title shall be hereby dedicated to the use and purposes for which  
17 it is so taken, and the right, title and interest acquired by the state  
18 therein shall be so acquired subject to such use and purposes.

19 § 2799-jjjjj. Discontinuance or relocation, or both, of highways,  
20 roads and streets. 1. If the authority shall deem it necessary to  
21 discontinue a public highway, road or street, or a part thereof, because  
22 of its interference with the proper location of a reservoir, dam or  
23 other flood mitigation structure, or other facility or structure neces-  
24 sary for the effectuation of the duties of the authority, for which  
25 preliminary plans shall have been adopted as provided in this title or  
26 because of its interference with the effectuation of the duties of the  
27 authority established by this title, it may discontinue such public  
28 highway, road or street. If the authority shall determine that public  
29 interest so requires, it may relocate such highway, road or street, or  
30 the part being discontinued, along a course, or if discontinued due to  
31 interference with a reservoir, dam or other flood mitigation structure,  
32 wholly or partly within or without the high flow line of such reservoir,  
33 dam or other flood mitigation structure, and acquire, with funds of the  
34 authority applicable to the expense of such reservoir, dam or other  
35 flood mitigation structure, in the manner provided in section twenty-  
36 seven hundred ninety-nine-iiiiii of this title, the necessary rights of  
37 way or easements for such relocated part, or in lieu of such a relo-  
38 cation, may establish new highways to connect with then existing high-  
39 ways, roads or streets, to afford a substantial equivalent, for purposes  
40 of highway traffic, of such a relocation. The determination of the  
41 authority to relocate or establish any such highway, road or street  
42 shall be by resolution, setting forth a description of the course of  
43 such highway, road or street, a certified copy of which shall be filed  
44 in the office of the clerk of each city, town and village containing any  
45 part of the relocated or new highway, road or street and shall be made  
46 available on the authority's website. If the highway, or part thereof,  
47 so established or relocated shall be a state or county highway, the  
48 resolution shall not be effective until approved by the commissioner of  
49 transportation and with such commissioner's written approval appended  
50 thereto. From the time of the filing of such copy or copies of the  
51 resolution, the relocated or connecting highway shall be deemed duly  
52 laid out.

53 2. After having acquired the necessary rights of way or easements  
54 therefor, the authority, with its funds, shall construct such relocated  
55 or connecting highway, road or street, or part thereof. If the highway,  
56 or part thereof, which is discontinued, is a state or county highway, or

1 part thereof, the construction of the relocated or connecting highway  
2 shall be in accordance with plans approved by the commissioner of trans-  
3 portation. If the highway, or part thereof, which is discontinued is a  
4 county road, or part thereof, the construction of the relocated or  
5 connecting highway shall be in accordance with plans approved by the  
6 county superintendent of highways. In the case of any other highway,  
7 road or street, the authority shall construct the same so as to make it  
8 conform in kind and quality generally to the discontinued highways,  
9 roads and streets.

10 3. The control and maintenance of the relocated or connecting highway,  
11 street or road, after its completion, shall vest in the local authori-  
12 ties of the city, town or village, in which such highway, street or road  
13 or any part thereof is situated, and for such purpose it shall be deemed  
14 a highway, road or street of the city, town or village, except that if  
15 the highway or road which was discontinued, or the part thereof discon-  
16 tinued, was a state or county highway, or county road, the control and  
17 maintenance of the relocated or connecting highway or road shall vest in  
18 the state or county authorities having charge of the discontinued high-  
19 way or road, and for such purpose it shall be deemed a state or county  
20 highway, or county road, as the case may be.

21 § 2799-kkkkk. Taxation of real estate. Lands owned by the state and  
22 acquired pursuant to the provisions of this title, exclusive of the  
23 improvements erected thereon by the authority, shall be assessed and  
24 taxed in the same manner as state lands subject to taxation pursuant to  
25 title two of article five of the real property tax law. Provided, howev-  
26 er, that the aggregate assessed valuations of such lands in any city,  
27 town, or village shall not be reduced below the aggregate assessed valu-  
28 ations thereof with the improvements thereon at the time of their acqui-  
29 sition by the authority, and provided further that in case of a general  
30 increase in assessments in any city, town, or village the assessed valu-  
31 ations of the lands and improvements at the time of their acquisition by  
32 the authority shall be deemed to have been increased proportionately  
33 with the increase of other real property in such tax district.

34 § 2799-lllll. Cemeteries. 1. For the purposes of this title, whenever  
35 it shall be necessary to use any portion of any lands or premises now  
36 occupied by graves, burial places, cemeteries, or other places of inter-  
37 ment of human remains, the authority may acquire such lands or premises  
38 in the same manner as other real estate may be acquired pursuant to this  
39 title. Provided, however, that if lands or premises so occupied and  
40 sought to be acquired are not within a cemetery under the actual control  
41 and management of a then existing religious or cemetery corporation, and  
42 proceedings shall have been instituted by the authority for their acqui-  
43 sition under the eminent domain procedure law, the court, if satisfied  
44 at any stage of the proceedings that the public interests will be preju-  
45 dediced by delay, shall, by order, direct that the authority may enter  
46 immediately on such lands and premises, and, after the provisions of  
47 subdivisions four, five, six, seven and eight of this section and  
48 sections three hundred four and four hundred four of the eminent domain  
49 procedure law have been complied with, may dedicate the same to the  
50 public use specified in the petition, upon deposit with the court of a  
51 sum to be fixed by the court, but no such order shall be made except  
52 upon notice of the application therefor served and posted as hereinafter  
53 provided.

54 2. Such notice shall be served pursuant to the provisions of this  
55 subdivision. If any of the owners or their places of residence are  
56 unknown, notice addressed, generally, to all owners of and persons

1 interested in the lands used for graves, burial places, cemetery  
2 purposes or places of interment within a certain lot, tract or parcel of  
3 land, to be described with sufficient certainty to identify it, shall be  
4 published in the time and manner prescribed by subdivisions four, five,  
5 six, seven and eight of this section with respect to the notice therein  
6 provided for. Owners, if any, whose names and places of residence are  
7 known and who reside within the state, shall be served with such notice  
8 personally or by leaving the notice at the abode of the owner to be  
9 served, with a person of suitable age and discretion residing therein.  
10 Owners, if any, whose names and places of residence are known and who  
11 reside out of state, shall be served with such notice by mail, the  
12 notice to be deposited in a post office in the state, addressed to the  
13 owner to be served, and enclosed in a securely sealed postpaid envelope.  
14 The notice also shall be posted conspicuously in ten places in each  
15 city, town, or village in which the lands are located, at least twenty  
16 days before the time of making the application. If the notice is  
17 published, the time for making the application shall be not less than  
18 eight days nor more than sixteen days after the last publication, and in  
19 any case personal service, if any, or service by leaving at the owner's  
20 abode, shall be made at least eight days, and service by mail, if any,  
21 at least thirty days, before the time of making the application. If, in  
22 the condemnation proceeding, an attorney has been appointed by the court  
23 to represent defendants served with the original notice by method other  
24 than in-person, under the eminent domain procedure law, the notice also  
25 shall be served on him or her, at least eight days before the time of  
26 making the application.

27 3. The notice shall specify the relief sought and the time and place  
28 of making the application. The papers or proofs submitted to the court  
29 on the application shall include due proofs of the service and posting  
30 of the notice and proof, by affidavit, that the persons, if any, served  
31 personally or by leaving at their abodes or by mail constitute all of  
32 the owners of and persons interested in the lands so occupied whose  
33 names and places of residence are known, or, if none were so served,  
34 that all of the owners are unknown, and if certain owners were known but  
35 not their places of residence, and therefore were not served, personally  
36 or by mail, that fact and the names of such owners shall be stated. Such  
37 affidavit shall also set forth the extent of the inquiry to ascertain  
38 the names and places of residence of the owners. The provisions of the  
39 eminent domain procedure law applicable subsequent to the deposit of  
40 such moneys shall apply hereto, except that the general fund of the  
41 authority shall be liable for the payment of any deficiency judgment  
42 rendered pursuant to such section.

43 4. Once the authority has acquired title, or the right of immediate  
44 entry to real estate, the authority shall publish in two newspapers in  
45 the county where such burial place, cemetery or graves are situated,  
46 which shall in its judgment be best calculated to notify the persons or  
47 parties interested or entitled to such notice, which notice shall  
48 describe the location of such burial place, cemetery or grave in such  
49 manner as to sufficiently identify the same. Such publication shall be  
50 made once in each week in each of the newspapers for a period of four  
51 weeks, and such notice shall also contain a statement to the effect that  
52 any person or persons legally entitled to direct as to the disposition  
53 of any such remains may remove the same to any other cemetery or burial  
54 place within sixty days after the last publication of such notice, if  
55 they so elect, but without expense to the authority therefor. From and  
56 after the period of sixty days from the last date of publication, the

1 authority shall advertise in a newspaper published in the county or  
2 counties in which the cemetery or cemeteries are situated for bids for  
3 the removal of such remains by contract and their proper reinterment.

4 5. All removals and transportation of such human remains shall be done  
5 in accordance with the provisions of the public health law and the local  
6 rules or ordinances of any town, city or village wherein such cemetery,  
7 burial ground or graves shall be located or wherein any of such remains  
8 may be reinterred. The authority may acquire such other lands as it  
9 deems necessary within the county or in an adjoining county where such  
10 burial place, cemetery or graves are now located for the purpose of  
11 properly reintering such removed remains, which lands shall be acquired  
12 in the same manner as provided by this title for the acquisition of real  
13 estate, and title shall be taken in the name of the authority pursuant  
14 to the requirements of this title, but lands shall not be acquired with-  
15 in the corporate limits of a village or city except within the bounds of  
16 an existing cemetery unless by consent of the authority of trustees of  
17 the village or common council of the city or other authorities within  
18 such village or city occupying similar positions as trustees or alder-  
19 men, respectively.

20 6. The lands so acquired shall be suitable and properly fenced or  
21 enclosed, and in such manner as to permit proper ingress and egress  
22 thereto before the final completion and payment for such work, and the  
23 expense therefor shall be included within the estimate and contract for  
24 such removal. All bodies removed by order of the authority shall, when  
25 distinguishable, be encased each in a separate box or coffin, and each  
26 monument, headstone, footstone, slab or other designation or distin-  
27 guishing mark shall be properly removed and reset at the grave of each  
28 body at the time of such reinterment. Members of the same family shall  
29 be interred in contiguous graves.

30 7. Whenever any person or persons legally entitled to direct as to the  
31 disposition of any remains now interred in such cemeteries, burying  
32 place or graves shall request the authority, in writing, to reinter such  
33 remains in any other cemetery or burial plot, within the same county  
34 where such cemetery, burial place or graves sought to be removed are  
35 located or in an adjoining county, the authority shall cause such  
36 remains to be interred where requested within the same county or in an  
37 adjoining county, and shall carefully and properly remove such remains  
38 to such burial plot and properly reinter the same, but no payment shall  
39 be made for a grave or graves or burial plot for such reinterment other  
40 than that acquired by the authority pursuant to this title. Whenever any  
41 person or persons legally entitled to direct as to the disposition of  
42 any human remains exhumed or to be exhumed from any cemetery, burial  
43 place or graves as herein provided desire to remove the same for rein-  
44 terment to any burial plot or cemetery not within the same county from  
45 which such remains were exhumed or in an adjoining county as herein  
46 provided, such person or persons so entitled to designate such other  
47 burial place or plot shall be permitted to remove such exhumed remains  
48 from such county, subject to the written consent of the authority and  
49 the provisions of the public health law, and the local rules or ordi-  
50 nances of any town, city or village wherein such cemetery, burial ground  
51 or graves shall be located, or wherein such human remains may be rein-  
52 terred, but no portion of the expense of such transportation or burial  
53 in another county other than an adjoining county shall be borne by the  
54 authority. The authority shall pay all expenses connected with such  
55 removal, out of the general fund of the authority in the same manner as  
56 other payments are made.

1 8. Whenever any lands are acquired by the authority for the purposes  
2 of reinterment of human remains, and all the remains so interred have  
3 been exhumed from a cemetery, burial place or grave belonging to a  
4 corporation organized under the religious corporations law, the member-  
5 ship corporations law, the not-for-profit corporation law, or by special  
6 act, or belonging to a town or authority of trustees elected pursuant to  
7 the provisions of the town law, or to a village or city, the authority  
8 shall by a proper resolution, after completion and acceptance thereof  
9 and final payment for all work performed as provided in this section,  
10 execute and deliver in the name of the authority, and without expense to  
11 the grantee therefor, to the trustees or other governing body of such  
12 corporation, by whatsoever name or title they may hold office, or to the  
13 authority of trustees of a town burial ground, or to a duly incorporated  
14 cemetery association, and to their successors in office, a quitclaim  
15 deed covering the lands so acquired, together with all structures  
16 erected thereon. Where such lands were so acquired for the purposes of  
17 reinterment of human remains exhumed from a public or private cemetery,  
18 burial place or grave which shall have been used by the inhabitants of  
19 any town in this state as a cemetery or burial ground for a period of  
20 fourteen years and not having an authority of trustees pursuant to the  
21 provisions of the town law, the authority shall by proper resolution,  
22 after completion and acceptance thereof, and final payment for all work  
23 as by this section provided, execute and deliver in the name of the  
24 authority, and without expense to the grantee therefor, a quitclaim deed  
25 or other proper release to such town wherein such lands so acquired as  
26 provided by this section may be situated, and such cemetery or burial  
27 place shall at the time of and after the execution and delivery thereof  
28 be deemed to be vested in such town, and shall be subject in the same  
29 manner as other corporate property of towns, to the government and  
30 direction of the electors in town meeting, except, however, that where  
31 such lands so acquired for the purposes set forth in this section are  
32 situate within the corporate limits of a village or city, such quitclaim  
33 deed or release herein provided for shall be executed and delivered to  
34 such village or city and thereafter be and become the property of such  
35 village or city and subject to the laws governing such village or city.  
36 Further, the authority, subject to the approval of the town authority,  
37 or city or village authorities herein referred to, shall have the right  
38 to convey such lands so acquired, together with all structures erected  
39 thereon, to a duly incorporated cemetery association. On and after the  
40 date of the execution and delivery by the authority of the quitclaim  
41 deed or release, the authority shall be deemed to be divested of all  
42 rights and title to such lands transferred by the quitclaim deed or  
43 released and shall thereafter not be liable for the care, custody, main-  
44 tenance and control thereof. This section shall not limit any existing  
45 rights of burial, or removal of remains under other provisions of law  
46 applicable thereto.

47 § 2799-mmmmm. Procedure for construction of reservoirs, dams and other  
48 flood mitigation structures. 1. Preliminary plans, specifications, maps,  
49 statements and estimates are required as follows:

50 (a) If the authority shall determine as a part of an official plan or  
51 before the official plan has been prepared that the public interest or  
52 welfare requires that a reservoir, dam or other flood mitigation struc-  
53 ture should be constructed for the regulation of the flow of a river or  
54 rivers, stream or streams of the Oswego river basin, or any other  
55 portion of such basin, it shall cause to be prepared preliminary plans  
56 and specifications of such reservoir, dam or other flood mitigation

1 structure with estimates of the total cost thereof, together with a  
2 survey of the lands upon which the same is to be constructed, giving the  
3 location thereof, and of all lands to be taken, flowed or damaged, with  
4 a description by survey or otherwise, showing the amount of lands  
5 belonging to the state and to persons or public corporations and the  
6 amount of lands of the state in the forest preserve affected thereby.

7 (b) The authority shall create a map showing all such lands, the  
8 number of acres in each separate tract, and the names of the owners and  
9 occupants thereof, so far as the authority can ascertain such informa-  
10 tion. Such maps shall also show the high flow lines of the proposed  
11 reservoir, dam or other flood mitigation structure, if applicable.

12 (c) The authority shall also prepare a statement of the amount of  
13 waterpower, if any, which consistent with the proper regulation of the  
14 flow of the river or stream may be developed at or by reason of such  
15 reservoir, dam or other flood mitigation structure by the withdrawal of  
16 water for power purposes directly therefrom with an estimate of the  
17 value thereof. The authority shall also prepare a statement showing the  
18 public corporations and locality of lands to be benefited by such  
19 improvement and how and whether the state will be benefited thereby and  
20 the public necessity for the improvement.

21 (d) In the event that any of the real estate required for such reser-  
22 voir, dam or other flood mitigation structure shall belong to the state,  
23 the value thereof shall be determined in the applicable estimates, and  
24 in the event that such land is outside the forest preserve and the state  
25 is chargeable with any proportion of the expenses, such value shall be  
26 deducted from the amount to be paid by it, and shall be chargeable as a  
27 part of the expenses of the improvement.

28 (e) When the authority shall have completed such preliminary plans,  
29 maps, specifications, estimates and statements, it shall vote by resolu-  
30 tion on such preliminary plans, maps, specifications, estimates and  
31 statements. The authority shall file such preliminary plans, maps, spec-  
32 ifications, estimates and statements so approved in the office of the  
33 county clerk of each county having lands within the Oswego river basin,  
34 and make them available on the website of the authority.

35 2. Upon the completion and filing of such preliminary plans, maps,  
36 specifications, estimates and statements pursuant to subdivision one of  
37 this section, the authority shall give notice of such filing and shall  
38 hold hearings thereon in the manner set by the authority that shall  
39 include at least two public hearings and offer at least one hundred  
40 twenty days of public comment.

41 3. Upon the completion of such hearings, the authority shall determine  
42 whether the public welfare requires that such proposed improvement  
43 should be proceeded with, and what, if any, modifications should be made  
44 in such plans, maps, specifications, estimates and statements. If the  
45 authority shall determine that such maps, plans, specifications, esti-  
46 mates and statements should be modified in any respect, it shall certify  
47 its proposed modifications. If the authority shall determine that the  
48 proposed reservoir, dam or other flood mitigation structure shall be  
49 made, it shall make a final order directing the same to be made, and  
50 shall cause such final order or certified copies thereof to be filed and  
51 recorded in the office of the county clerk of each county in which any  
52 lands within the Oswego river basin are located, and made available on  
53 the website of the authority, and notice shall have been determined to  
54 be provided by publication of the making and filing of such final order.

55 4. Any person or public corporation affected by any determination of  
56 the authority may review such final determination in the manner provided

1 by article seventy-eight of the civil practice law and rules. Unless  
2 application shall be made for such review within sixty days after the  
3 filing of the final order, the plans, maps, specifications, statements  
4 and estimates shall be the established and final plans, maps, specifica-  
5 tions, statements and estimates of such reservoir, dam or other flood  
6 mitigation structure. In the event that upon such review there shall be  
7 any modification by the court of the final order, maps, plans, specifi-  
8 cations, statements and estimates, the court shall direct the modifica-  
9 tion thereof by order, and the authority shall cause such order to be  
10 filed and recorded in each place where the final order was filed and  
11 recorded, and made available on the website of the authority. No review  
12 of the final determination of the authority shall be had unless at the  
13 time of the application for review the person or public corporation  
14 seeking such review shall give an undertaking approved by the supreme  
15 court or a justice thereof, as to form, amount, and sufficiency or sure-  
16 ties that in the event of failure to modify the final determination,  
17 such person or public corporation will pay to the authority all such  
18 costs and expenses as are incurred by it on account of the review  
19 proceedings, as shall be determined by the court.

20 5. The authority shall have power to make such changes in the final  
21 maps, plans and order as the nature of the work may require, provided  
22 that the authority shall give notice and shall give a hearing thereon as  
23 previously held and the same proceedings shall be had as provided by  
24 subdivisions two, three and four of this section, and made available on  
25 the website of the authority.

26 6. In the event that in any such plans, estimates and statements, a  
27 charge is made against the state for any share of the expenses of the  
28 proposed reservoir, dam or other flood mitigation structure, not includ-  
29 ing such preliminary expenses as may have been necessary or expenses  
30 consisting only of assessments against the state on account of benefits  
31 from the improvement, no such reservoir, dam or other flood mitigation  
32 structure shall be made under this title pursuant to any such final  
33 order until the legislature shall make an appropriation to pay the  
34 state's share of such expenses. The sum so appropriated shall be paid  
35 into the general fund of the authority for which it is appropriated.

36 7. When any such final order shall have been made, and the legislature  
37 shall have made an appropriation for any share of the expense payable by  
38 the state, if any, the authority shall proceed to the acquisition of  
39 such real estate as may be necessary for the construction, maintenance  
40 and operation of such reservoir, dam or other flood mitigation struc-  
41 ture. When proceedings are taken under the eminent domain procedure  
42 law, the authority shall file in the comptroller's office a certified  
43 copy of the final order provided for in the eminent domain procedure  
44 law, and a certified copy of the judgment therein rendered pursuant to  
45 the eminent domain procedure law, together with the certificate of the  
46 attorney general that no appeal from such final order and judgment has  
47 been made, or will be taken by the state, or if an appeal has been  
48 taken, a certified copy of the final judgment of the appellate court.  
49 Payments of the amount due upon such final order and judgment with  
50 interest from the date of the judgment until thirty days after the entry  
51 of such final order and judgment, and payments for real estate taken by  
52 agreement, shall be made from the general fund of the authority.

53 8. Construction work shall be undertaken in accordance with the  
54 following provisions:

55 (a) After any such final order shall have been made and filed as  
56 provided pursuant to this section, the authority may proceed to

1 construct the work according to the applicable plans and specifications.  
2 All such work shall be done pursuant to a contract or contracts which  
3 shall be awarded to the lowest responsible bidder, by sealed proposals  
4 publicly opened, after public advertisement and upon such terms and  
5 conditions as the authority shall require, provided, however, that the  
6 authority may reject any and all proposals and may advertise for new  
7 proposals, as herein provided, if in its opinion the best interests of  
8 the authority will thereby be promoted. Provided further, that at the  
9 request of the authority, all or any portion of such work, together with  
10 any engineering required by the authority in connection therewith, shall  
11 be performed by the chair and the chair's subordinates as agents for,  
12 and at the expense of, the authority. A sealed proposal may be accepted  
13 through an electronic platform established or used by the authority,  
14 provided that any sealed proposal received electronically shall be made  
15 public at the same time as any competing paper proposal, and provided  
16 further that the authority shall, at minimum, provide the same opportu-  
17 nity and time for submitting sealed proposals physically as for sealed  
18 proposals submitted electronically and shall provide the opportunity for  
19 bidders to submit sealed proposals physically any time that it provides  
20 the opportunity to submit sealed electronic proposals. In addition, the  
21 authority shall establish a process for accommodating force majeure  
22 events that prevent the submission of a sealed electronic proposal,  
23 including but not limited to internet and power outage events, and for  
24 automatically confirming receipt of any sealed electronic proposal  
25 received. All bidders shall be notified of the time and place of any  
26 such adjournment or rejection.

27 (b) Every proposal shall be accompanied by a deposit in the form of a  
28 certified check upon some national or state bank or trust company within  
29 the state in good credit and payable to the authority for five per cent  
30 of the amount of the proposal. In the event the proposer to whom such  
31 contract shall be awarded shall fail or refuse to enter into such  
32 contract within the time fixed by the authority, such deposit shall be  
33 forfeited to the authority and paid into and become a part of the  
34 authority's general fund. In the event the contract be made such deposit  
35 shall be returned to the contractor.

36 (c) Before entering into any such contract, a bond with sufficient  
37 sureties approved by the authority shall be required, on the condition  
38 that the contractor shall perform all work within the time prescribed in  
39 and in accordance with the plans and specifications, and will pay to the  
40 state and the authority all damages, costs and expenses suffered or  
41 incurred by reason of the neglect or default of such contractor or such  
42 contractor's employees or any subcontractor or such subcontractor's  
43 employees in the performance of such contract or in doing such work  
44 thereunder.

45 (d) Such contract may provide for partial payments to be made from  
46 time to time upon the certificate of the engineer in charge of the work  
47 after due inspection thereof for an amount not exceeding ninety percent  
48 of the contract price for the work actually done as shown by the certif-  
49 icate. Such certificate shall state the amount of the work performed and  
50 its total value, at the price fixed by such contract, but in all cases  
51 not less than ten percent of the estimate thus certified shall be  
52 retained until the contract is completed and approved by the engineer in  
53 charge of the work and by the authority.

54 (e) The authority may divide the work into several parts and award  
55 separate contracts therefor. If the estimated cost of any part of such  
56 work does not exceed one million dollars, the authority may by resol-

1 ution proceed to do such part of such work by its own forces or other-  
2 wise.

3 (f) The authority may, subject to coordination with and approval from  
4 the department of environmental conservation, dispose of merchantable  
5 timber and salable wood on state land. No reservoir, dam or other flood  
6 mitigation structure shall be constructed until procedures shall have  
7 been made by the authority for the clearing from the reservoir, dam or  
8 other flood mitigation structure site of all timber and all timber  
9 growth on lands to be flowed, which such timber and timber growth shall  
10 be removed by the authority by contract or otherwise. The authority  
11 shall not permit any stump higher than twelve inches above the bed of  
12 the reservoir, dam or other flood mitigation structure adjacent thereto  
13 to remain upon a reservoir, dam or other flood mitigation structure site  
14 above the low flow line of the reservoir, dam or other flood mitigation  
15 structure, if applicable.

16 (g) All merchantable timber and salable wood on state land to be  
17 flowed shall be sold by the authority in such manner as it shall deem  
18 best for the interests of the state and in coordination with and  
19 approved by the department of environmental conservation, but in no  
20 event for a sum less than its fair market value, provided, however, that  
21 the authority may in its discretion sell any such merchantable timber or  
22 salable wood at public auction after due advertisement. The proceeds of  
23 any sale or disposition less the expenses thereof and the reasonable  
24 cost of inspecting, scaling, lumbering, cutting and piling, if any,  
25 incurred by the authority, shall be paid into the general fund of the  
26 state. The authority, in coordination with and approved by the depart-  
27 ment of environmental conservation may designate the trees or kinds of  
28 trees to be considered merchantable timber or salable wood.

29 (h) In preparation of the reservoir, dam or other flood mitigation  
30 structure site, the authority shall do such work as may be necessary to  
31 prevent stagnant pools above the low flow line thereof.

32 § 2799-nnnnn. Operation of reservoirs, dams or other flood mitigation  
33 structures. 1. The authority shall not permit the water in any reser-  
34 voir, dam or other flood mitigation structure constructed, owned, oper-  
35 ated, controlled or regulated under the provisions of this title to rise  
36 above the high flow line thereof, except during floods or other emergen-  
37 cies, and if during floods or other emergencies the water shall rise  
38 above such high flow line the authority shall immediately open the  
39 outlet gates in such reservoir, dam or other flood mitigation structure  
40 and take such other actions as may be necessary to lower the water to  
41 the high flow line of such reservoir, dam or other flood mitigation  
42 structure with the least practicable delay. The authority shall keep an  
43 accurate and, so far as practicable, continuous record of the height of  
44 water in each reservoir, dam or other flood mitigation structure and  
45 shall install and maintain at suitable places such gauges or instruments  
46 as may be necessary therefor. Such continuous record shall be made  
47 available on the website of the authority.

48 2. Except for inspections or repairs which are necessary, no reser-  
49 voir, dam or other flood mitigation structure shall at any time be drawn  
50 off below the low flow line, or to such extent as to expose isolated  
51 pools which may cause unsanitary conditions, unless due provision is  
52 made for draining such pools into the lowest water level of such reser-  
53 voir, dam or other flood mitigation structure. It shall be unlawful for  
54 any officer or person in charge of any reservoir, dam or other flood  
55 mitigation structure to violate the provisions of this section.

1 3. It shall be unlawful for any person to open or close or cause to be  
2 opened or closed a gate or gates in any reservoir, dam or other flood  
3 mitigation structure constructed, owned, operated, controlled or regu-  
4 lated pursuant to the provisions of this title without the consent of  
5 the authority, or for any person to interfere in any way with the opera-  
6 tion of, or cause damage to, dam or other flood mitigation structure.

7 4. When the flow of a river used for the operation of a power plant  
8 falls below the average normal flow thereof, the natural flow of the  
9 river at a reservoir, dam or other flood mitigation structure thereon  
10 shall not be restricted without the consent of the owner of such power  
11 plant.

12 5. No reservoir, dam or other flood mitigation structure shall be  
13 constructed pursuant to the provisions of this title of a capacity  
14 greater than is required to maintain the average flow.

15 6. The expense of maintenance and operation of any existing reservoir,  
16 dam or other flood mitigation structure shall be paid pursuant to exist-  
17 ing law until such reservoir, dam or other flood mitigation structure is  
18 taken over by the authority pursuant to the provisions of this title,  
19 and thereafter such expense shall be paid pursuant to the provisions of  
20 this title for the maintenance and operation of a reservoir, dam or  
21 other flood mitigation structure.

22 7. A holder of a license issued under the federal power act shall be  
23 exempted from the requirements of this section unless an agreement or  
24 contract has been made between such holder and the authority.

25 § 2799-ooooo. Apportionment of cost. 1. The authority shall, as soon  
26 as practicable, prepare an estimate of the total cost of such reservoir,  
27 dam or other flood mitigation structure, or combination thereof, includ-  
28 ing interest on certificates of indebtedness issued prior to the date  
29 the local finance law took effect, or on notes to the maturity thereof  
30 and compensation for real estate and all damages suffered by reason  
31 thereof and all expenses necessarily incurred or to be incurred in  
32 connection therewith, and shall make a complete and verified statement  
33 thereof.

34 2. The authority shall then apportion such cost, less the amount which  
35 may be chargeable to the state, among the public corporations and  
36 parcels of real estate benefited, in proportion to the amount of benefit  
37 which will inure to each such public corporation and parcel of real  
38 estate by reason of such reservoir, dam or other flood mitigation struc-  
39 ture, or combination thereof. Such apportionment shall be made in writ-  
40 ing and shall show the name of each public corporation and a brief  
41 description of each parcel of real estate benefited, the name of the  
42 owner, or owners, of each such parcel of real estate, so far as can be  
43 ascertained, the proportion of such cost less the amount which may be  
44 chargeable to the state to be borne by each, expressed in decimals, and  
45 the amount to be paid by each such public corporation or the owner or  
46 owners of each such parcel of real estate.

47 3. Such amount shall be determined by multiplying the total cost less  
48 the amount which may be chargeable to the state by the decimal amount  
49 representing the proportion thereof to be borne by each public corpo-  
50 ration or parcel of real estate.

51 4. The authority, before making such apportionment, shall view the  
52 premises and public corporations benefited. Such apportionment shall be  
53 approved by the authority. Upon such approval by the authority, a copy  
54 thereof shall be served upon the chair or other presiding officer of the  
55 county legislative body of each county, the mayor of each city, the  
56 supervisor of each town, and the mayor of each village, named in the

1 apportionment, or if service cannot be had upon such chair, mayor, or  
2 supervisor, then upon a member of the county legislative body of the  
3 county, a councilmember of the city or member of the governing authority  
4 thereof, a member of the town authority of the town, or a trustee of the  
5 village, and shall be filed in the office of the county clerk of each  
6 county in which any public corporation or real property thereby affected  
7 is located. After such service and filing of such apportionment and  
8 determination, notice shall be given by the authority of publication of  
9 a time and place where the authority will meet to hear any public corpo-  
10 ration or person aggrieved by the same. The affidavit of the person  
11 servicing or publishing such notice shall be evidence of such service or  
12 publication.

13 5. The authority shall meet at the time and place specified pursuant  
14 to subdivision four of this section and shall hear all persons and  
15 public corporations interested in or aggrieved by such apportionment and  
16 may approve or modify the same. If such apportionment and determination  
17 is modified by the authority it shall not become effective until served  
18 and filed in the same manner as upon the completion of the same in the  
19 first instance. Any public corporation or any person deeming to be  
20 aggrieved may, upon notice to the authority, review the determination of  
21 the authority in the same manner as a review of the determination of an  
22 authority of assessors in making an assessment. Such apportionments as  
23 so modified and as further modified by any final judgment or order made  
24 in proceedings to review the same as herein provided shall be final and  
25 conclusive.

26 6. The amount of the total cost and expense of such reservoir, dam or  
27 other flood mitigation structure, or combination thereof, and the main-  
28 tenance and operation thereof including the amount of a reasonable  
29 return to the state as herein provided for, which each such public  
30 corporation and each such parcel of real estate is to pay and be respon-  
31 sible for shall be based upon the proportion of cost as determined in  
32 such apportionment. If the total cost of such reservoir, dam or other  
33 flood mitigation structure shall exceed the estimate made and appor-  
34 tioned as provided pursuant to this title, the amount of such excess  
35 cost, less the amount which may be chargeable to the state, shall be  
36 apportioned among the public corporations and parcels of real estate  
37 benefited, by an additional apportionment to be made in the same manner  
38 and by the same procedure as the original apportionment, and shall be  
39 levied, assessed and collected in the manner provided in section twen-  
40 ty-seven hundred ninety-nine-ppppp of this title. Such apportionment  
41 and determination, when made, shall also be deemed to fix and determine  
42 the apportionment and the basis of apportionment of all subsequent  
43 expenses to be incurred in the maintenance and operation of such reser-  
44 voir, dam or other flood mitigation structure, including the amount of a  
45 reasonable return to the state, if any, as provided for in this title.

46 7. If powers be developed after such apportionment has been made or if  
47 for any other reason any public corporation or any parcel of real estate  
48 becomes liable equitably for such subsequent expenses, a subsequent  
49 apportionment may be made in the same manner and subject to the same  
50 review as the original apportionment. Provided, however, that before any  
51 such apportionment of costs or any assessment is made by the authority,  
52 public corporations or owners of property liable for the same may  
53 execute and deliver to the authority a consent, executed and acknowl-  
54 edged in like manner as a deed, by which they acknowledge that they are  
55 the public corporations and owners of property benefited by the improve-  
56 ment and consent to bear the cost thereof, less any sum previously

1 appropriated by the state therefor, together with charges provided for  
2 in section twenty-seven hundred ninety-nine-qqqqq of this title, and to  
3 have the same assessed against them or their property as provided for in  
4 this title. Such consent may also provide, as a condition of its  
5 acceptance by the authority, for the basis on which the assessment for  
6 the improvement shall be made upon the parties consenting.

7 8. The authority may accept or reject such consent. If it accepts such  
8 consent it shall, by resolution, provide for the levy of the entire  
9 assessment upon the public corporations and property of the parties  
10 filing such consent, on the basis of benefits received, if any, deter-  
11 mined by the terms of the consent, or if no basis of assessment be fixed  
12 by the consent, on the basis of the benefits shared by such parties in  
13 the manner provided in this title. If such consent be accepted by the  
14 authority, a certified copy thereof shall be filed by the authority in  
15 the office of the county clerk of each county in which any public corpo-  
16 ration or real property affected by the assessment is located. Such  
17 consent, when executed by a public corporation, shall be authorized by  
18 the governing body thereof.

19 § 2799-ppppp. Assessments; how levied and collected. 1. After the  
20 apportionment of cost has been made and filed in accordance with the  
21 provisions of section twenty-seven hundred ninety-nine-ooooo of this  
22 title, the authority shall prepare a statement showing the name of each  
23 public corporation and a description of each parcel of real estate bene-  
24 fited by such reservoir, dam or other flood mitigation structure, or  
25 combination thereof, and the amount to be borne by each as determined in  
26 such apportionment. The authority shall also determine and state whether  
27 the amounts shall be paid in one lump sum or in annual installments, in  
28 such amounts as the authority shall annually determine to be necessary.

29 2. A copy of such statement duly verified under the seal of the  
30 authority shall be filed with the clerk of each county, town, village or  
31 city affected or containing any real estate which is benefited. The  
32 clerk of every such county, city, town or village shall make and deliver  
33 to the legislative body of such county, the common council of such city,  
34 the authority of trustees of such village, and the assessors of such  
35 county, town, city or village a copy of such statement.

36 3. The county legislative body of every such county shall levy and  
37 assess upon such county and upon each town specified in such statement  
38 the amount of such cost and expense which in such statement is certified  
39 to be the proportion thereof which should be borne by such county or  
40 such town as a whole, and the common council or other governing body of  
41 each city and the authority of trustees of every such village shall in  
42 like manner levy and assess upon such city and village, respectively,  
43 the amount of such cost and expense which in such statement is certified  
44 to be the proportion thereof which should be borne by such city and  
45 village. The assessors of each town or city, containing individual real  
46 estate upon which a proportion of such cost is assessed, shall enter on  
47 a separate page of their assessment roll a statement of the total amount  
48 to be paid by the owner of such individual real estate, a description of  
49 each parcel and what constitutes real estate as such term is defined in  
50 this title and the amount chargeable thereto, as contained in the state-  
51 ment filed. The county legislative body of each county wherein such  
52 property or land is situate shall levy and assess against each such  
53 parcel and each such piece of real estate the amount specified in the  
54 statement, and shall by their warrant direct the collection thereof in  
55 the same manner and by the same procedure as general taxes are  
56 collected. In the case it is determined that the amount is to be paid in

1 annual installments, the county legislative body or the assessors of the  
2 city, town or village, as the case may be, shall annually assess the  
3 annual installment to be paid by such county, city, town or village in  
4 the manner provided by this section until the whole amount shall be  
5 paid.

6 4. Upon the assessment of the cost as provided in this section, the  
7 amounts apportioned and assessed shall be paid and remain charges  
8 against the several public corporations and liens upon the several prop-  
9 erties charged therewith, until paid or otherwise removed, superior in  
10 force and effect to all other liens except unpaid general taxes. All  
11 moneys collected under the provisions of this section shall be paid to  
12 the county treasurer of the county benefited or the county in which the  
13 town, city, village or real estate is located who shall pay the same on  
14 or before the first day of June in each year to the state comptroller,  
15 who shall deposit such amount in depository banks to the credit of the  
16 several funds of such authority as herein provided. In the event it has  
17 been determined that the cost of the improvement shall be paid in  
18 installments, interest for one year at a rate not higher than the rate  
19 of interest secured by the obligations to which the assessments are  
20 applicable, and not more than sufficient to pay the same, shall be added  
21 to the amount of each installment, on the cost of the improvement less  
22 the installment or installments previously levied or assessed, and be  
23 collected in the same manner provided for the collection of the princi-  
24 pal of the assessment. In the case of default of payment of assessments  
25 or any installment thereof levied as herein provided, the same penalties  
26 shall be collected as are provided in the case of failure to pay general  
27 taxes within the time prescribed by law, and when collected shall be  
28 deemed a part of the assessment.

29 5. If the assessment, together with the amount appropriated by the  
30 state, be insufficient to pay the obligations issued on account of such  
31 improvement, the authority shall make a new assessment or assessments,  
32 as the case may be, to make up the deficiency, and the owner and holder  
33 of any obligations issued under this title may by appropriate remedy  
34 compel the assessment of such deficiency.

35 6. Notwithstanding the provisions of subdivision four of this section,  
36 all moneys required to be collected under the provisions of this section  
37 may be paid directly to the authority, provided such payment is made  
38 prior to the thirty-first day of October of the year in which the  
39 assessment is levied. Any direct payments received by the authority  
40 shall be forwarded by the authority to the state comptroller, who shall  
41 deposit such payments in depository banks to the credit of the several  
42 funds of such authority as herein provided. Upon receipt of any such  
43 direct payments, the authority shall notify the appropriate county trea-  
44 surer to whom such payments would have been made under subdivision four  
45 of this section, had direct payment not been made to the authority. All  
46 moneys required to be collected and not paid directly to the authority  
47 by the thirty-first day of October of the year in which the assessment  
48 is levied shall be payable to the county treasurer as provided under  
49 subdivision four of this section and shall be subject to a service fee  
50 of one percent of the total amount assessed, which shall be added to the  
51 amount to be collected and which shall be in addition to any penalties  
52 which may be imposed in the case of failure to pay general taxes within  
53 the time prescribed by law and when collected, such penalties shall be  
54 deemed a part of the assessment. All service fees collected by county  
55 treasurers pursuant to this subdivision shall be retained by the county  
56 treasurer and deposited in the general fund of the county, provided the

1 moneys collected under the annual assessment installment shall be paid  
2 to the state comptroller within thirty days of their receipt by such  
3 county treasurer. Otherwise, the county treasurer shall pay over the  
4 entire service fee collected to the state comptroller for deposit to the  
5 credit of the several funds of the authority in the same manner as  
6 moneys collected under the annual installments of the assessments  
7 provided for herein.

8 § 2799-qqqqq. Operation and maintenance charges. 1. The authority  
9 shall make an estimate of an amount sufficient to pay the expense of the  
10 maintenance and operation of the works erected pursuant to this title,  
11 including interest on temporary certificates of indebtedness issued  
12 prior to the date the local finance law took effect. A reasonable return  
13 to the state upon the value of the rights and property of the state used  
14 shall mean six percent upon the value of the lands flowed, exclusive of  
15 merchantable timber and salable wood removed therefrom for which the  
16 state shall have been paid as provided by subdivision eight of section  
17 twenty-seven hundred ninety-nine-nnnnn of this title. The value of the  
18 services of the state rendered shall be construed to mean the actual  
19 cost thereof.

20 2. Any amount so estimated pursuant to subdivision one of this section  
21 shall be the estimated amount required for such purposes each year, and  
22 when fixed and determined shall be the amount thereof for a period of  
23 three years. The amount shall be adjustable at the end of any three-  
24 year term. The amount less any part thereof to be paid by the state  
25 shall be the amount to be annually collected for such purposes, and  
26 shall be apportioned upon the public corporations and real estate bene-  
27 fited according to the benefits derived therefrom respectively, and  
28 shall be levied, assessed and collected in the same manner as the cost  
29 and expenses of the reservoir, dam or other flood mitigation structure,  
30 or combination thereof, as provided in this title to be levied, assessed  
31 and collected.

32 3. Such estimates and determinations as from time to time fixed and  
33 determined by the authority may upon application of any party affected  
34 thereby be reviewed in the manner provided by article seventy-eight of  
35 the civil practice law and rules by the supreme court of the judicial  
36 district in which the reservoir, dam or other flood mitigation struc-  
37 ture, or combination thereof, is located. Upon the hearing on such  
38 application for review, the court shall take the testimony and other  
39 proofs of the parties and may make an order affirming, vacating or modi-  
40 fying any such estimate and determination.

41 § 2799-rrrrr. Error in names. No error in the names of the owners of  
42 real estate, or in the descriptions thereof, shall invalidate such  
43 apportionment or the levying of assessments or taxes based on such error  
44 if sufficient description is given to identify such real estate, and the  
45 owners thereof.

46 § 2799-sssss. Financing. 1. After the cost of any improvement made or  
47 to be made pursuant to this title has been apportioned among the public  
48 corporations and parcels of real estate benefited and after such appor-  
49 tionment has been assessed upon such public corporations and parcels of  
50 real estate, the authority may finance the cost of any such improvement  
51 in accordance with the local finance law. Any bonds issued for such  
52 purposes shall not be construed, in any event, as bonds or indebtedness  
53 of the state, and the state shall not be obligated to pay the principal  
54 or interest on such bonds. Such bonds shall be lawful investments for  
55 trustees and savings banks of the state and for any of the funds of the  
56 state which by law may be invested.

1 2. The authority shall annually include in the installment of the  
2 assessment to be collected in such year a sum sufficient to provide for  
3 the payment of the principal of and interest on obligations issued for  
4 such purposes and maturing in such year.

5 3. The proceeds of the sale of obligations issued for the purposes of  
6 this title, together with all other revenues of the authority from other  
7 sources, shall be deposited in a national or state bank or banks or  
8 trust company or trust companies in Albany or within the Oswego river  
9 basin as are approved by the state comptroller, subject to the  
10 provisions of section 165.00 of the local finance law. Before any such  
11 deposit is made, the state comptroller shall require from any such bank  
12 or trust company security for repayment of the same to such authority or  
13 to the state comptroller upon demand for the money so deposited in the  
14 manner provided in section one hundred six of the state finance law. For  
15 purposes of this title, the "general fund" of the authority shall mean  
16 and consist of all moneys received by the authority under the provisions  
17 of this title, except from assessments levied to pay the cost of  
18 construction.

19 4. All moneys received from assessments levied to pay the cost of  
20 construction, together with such part of any surplus in the general  
21 fund, as shall be determined by the authority, over and above the  
22 requirements for the construction, maintenance and operation of the  
23 reservoir, dam or other flood mitigation structure, or combination ther-  
24 eof, including the amount raised for a reasonable return to the state,  
25 shall constitute a separate fund to be known as the "debt service fund",  
26 for the purposes of this title. The moneys in the debt service fund  
27 shall be applied to the payment of principal of and interest on obli-  
28 gations issued for the purposes of this title, except when the total  
29 cost of construction is paid without the issuance of obligations, in  
30 which case the moneys applicable thereto shall be paid into the general  
31 fund. Any installment or installments of the assessment which shall  
32 become payable before any obligations have been issued shall be paid by  
33 the state comptroller into the general fund and applied to the payment  
34 of the cost of construction. The state comptroller shall be authorized  
35 and directed to pay from the debt service fund the principal of and  
36 interest on obligations issued for the purposes of this title.

37 5. All moneys in the debt service fund shall be applied by the state  
38 comptroller to the payment of the principal of and interest on such  
39 obligations except as otherwise stated in this section, and to the  
40 purchase of the same in the open market when possible, and while await-  
41 ing such purchase such excess shall be invested or kept at interest in  
42 the same manner as sinking funds of the state of like nature are  
43 invested. If any moneys remain in the debt service fund after all  
44 outstanding obligations have been paid up and redeemed, such moneys  
45 shall be paid into the general fund and may be used to pay the costs of  
46 maintenance, operation and other expenses.

47 6. The authority may invest and reinvest any moneys of the general  
48 fund which are not required to be deposited in accordance with the  
49 provisions of section 165.00 of the local finance law. Any such invest-  
50 ments shall be made only in obligations of the federal government and  
51 the state of New York, and in certificates of deposit of banks or trust  
52 companies or in bank or trust accounts of banks in this state, secured  
53 by obligations of the United States of America or of the state of New  
54 York of a market value equal at all times to the amount of the deposit  
55 and with the approval of the state comptroller. The authority may sell  
56 and dispose of any securities purchased for investment pursuant to this

1 section at any time with the consent of the state comptroller, and the  
2 proceeds thereof shall be paid to the state comptroller and deposited in  
3 the general fund.

4 7. Any obligations purchased for investment pursuant to this section  
5 shall be delivered by the seller to the state comptroller, who shall be  
6 the custodian thereof until the same are sold or otherwise disposed of.  
7 The state comptroller shall also collect the income of such investments  
8 and deposit such income in the general fund.

9 8. All payments from the general fund of the authority shall be made  
10 by requisition of and signed by the authority and audited and counter-  
11 signed by the state comptroller.

12 9. The authority shall keep a complete record of its financial trans-  
13 actions, and shall be audited from time to time by the state comptroller  
14 as deemed necessary.

15 § 2799-ttttt. Reports. 1. The authority shall, on January first of  
16 each year, submit to the governor, the temporary president of the senate  
17 and the speaker of the assembly a written report, which shall contain:

18 (a) a complete list of the personnel of the authority, and all of the  
19 employees and persons connected with the authority;

20 (b) a financial statement showing clearly and conspicuously the  
21 finances of the authority, the amounts and dates of maturity of all  
22 bonds, notes and certificates of indebtedness, the amounts of money  
23 received and from whom such money was received from, and the amounts of  
24 money paid and purposes for which same were paid;

25 (c) a descriptive statement of the work done during the previous year,  
26 including but not limited to work done to effectuate the Oswego river  
27 basin management plan, and other flood mitigation or emergency flood  
28 response work;

29 (d) a statement of any lands purchased by the authority during the  
30 previous year and a summary of total lands purchased by the authority  
31 for all previously reported years pursuant to section twenty-seven  
32 hundred ninety-nine-iiii of this title. Additionally, the requirement  
33 of this paragraph shall include a statement of property identified by  
34 the authority that may be purchased in future years that would effectu-  
35 ate the purposes of section twenty-seven hundred ninety-nine-iiii of  
36 this title;

37 (e) a statement of the condition of all reservoirs, dams and other  
38 flood mitigation structures, and the results secured by the operation  
39 thereof in each case;

40 (f) a statement of normal and flood flows, including all captured or  
41 compiled data, from the previous year and a statement of normal and  
42 flood flows of the previous years compared to normal and flood flows  
43 from all previously reported years;

44 (g) a statement of the work completed or ongoing as done by the  
45 committee; and

46 (h) a statement of any Oswego river basin intergovernmental councils  
47 formed or active, the work completed or ongoing as done by any such  
48 council and the status of any council formed during the previous year  
49 and during any previously reported years.

50 2. In addition to provisions of subdivision one of this section, the  
51 authority shall report to the governor, the temporary president of the  
52 senate and the speaker of the assembly such other matters as it shall  
53 deem necessary or that shall be required of the authority.

54 § 2799-uuuuu. Hearings; hearing officers; determinations. Whenever  
55 the authority shall make a determination pursuant to the provisions of  
56 this title, it may hear testimony and take proofs which are material for

1 its inquiry and may appoint a hearing officer by a written appointment  
2 for that purpose. Every hearing officer so appointed shall be authorized  
3 to take such testimony and hear such proofs as may be material to the  
4 inquiry and report the proofs and testimony so taken, with such offi-  
5 cer's opinion as to the facts established thereby, to the authority. The  
6 authority may make such determination from the proofs and testimony  
7 taken before it or before such hearing officer or from any other data  
8 which shall be deemed satisfactory, and the expenses of taking such  
9 testimony or proofs shall be deemed to be a part of the expense of the  
10 improvement to which it relates.

11 § 2799-vvvvv. Title not affected if in part unconstitutional or inef-  
12 fective. If any term or provision of this title shall be declared uncon-  
13 stitutional or ineffective in whole or in part by a court of competent  
14 jurisdiction, then to the extent that it is not unconstitutional or  
15 ineffective such term or provision shall be enforced and effectuated,  
16 nor shall such determination be deemed to invalidate the remaining terms  
17 or provisions hereof.

18 § 2799-wwwww. Actions against the authority. 1. In any action founded  
19 upon tort, a notice of claim shall be required as a condition precedent  
20 to the commencement of an action or special proceeding against the  
21 authority or any officer, appointee, agent or employee thereof, and the  
22 provisions of section fifty-e of the general municipal law shall govern  
23 the giving of such notice. Except in an action for wrongful death, an  
24 action against the authority for damages for injuries to real or  
25 personal property, or for the destruction thereof, or for personal inju-  
26 ries, alleged to have been sustained, shall not be commenced more than  
27 one year and ninety days after the cause of action therefor shall have  
28 accrued.

29 2. An action against the authority for wrongful death shall be  
30 commenced in accordance with the notice of claim and time limitation  
31 provisions of title eleven of article nine of this chapter.

32 § 2. Paragraph (b) of subdivision 11 of section 310 of the executive  
33 law, as amended by chapter 463 of the laws of 2011, is amended to read  
34 as follows:

35 (b) a "state authority," as defined in subdivision one of section two  
36 of the public authorities law, and the following:

37 Albany County Airport Authority;  
38 Albany Port District Commission;  
39 Alfred, Almond, Hornellsville Sewer Authority;  
40 Battery Park City Authority;  
41 Cayuga County Water and Sewer Authority;  
42 (Nelson A. Rockefeller) Empire State Plaza Performing Arts  
43 Center Corporation;  
44 Industrial Exhibit Authority;  
45 Livingston County Water and Sewer Authority;  
46 Long Island Power Authority;  
47 Long Island Rail Road;  
48 Long Island Market Authority;  
49 Manhattan and Bronx Surface Transit Operating Authority;  
50 Metro-North Commuter Railroad;  
51 Metropolitan Suburban Bus Authority;  
52 Metropolitan Transportation Authority;  
53 Natural Heritage Trust;  
54 New York City Transit Authority;  
55 New York Convention Center Operating Corporation;  
56 New York State Bridge Authority;

1 New York State Olympic Regional Development Authority;  
2 New York State Thruway Authority;  
3 Niagara Falls Public Water Authority;  
4 Niagara Falls Water Board;  
5 Oswego River Basin Authority;  
6 Port of Oswego Authority;  
7 Power Authority of the State of New York;  
8 Roosevelt Island Operating Corporation;  
9 Schenectady Metroplex Development Authority;  
10 State Insurance Fund;  
11 Staten Island Rapid Transit Operating Authority;  
12 State University Construction Fund;  
13 Syracuse Regional Airport Authority;  
14 Triborough Bridge and Tunnel Authority.  
15 Upper Mohawk valley regional water board.  
16 Upper Mohawk valley regional water finance authority.  
17 Upper Mohawk valley memorial auditorium authority.  
18 Urban Development Corporation and its subsidiary corporations.

19 § 3. The public authorities law is amended by adding a new section  
20 1174 to read as follows:

21 § 1174. Coordination with the Oswego river basin authority. Notwith-  
22 standing any provision of this title to the contrary, the authority  
23 shall be required to coordinate with the Oswego river basin authority,  
24 as established by title thirty-six of article eight of this chapter.  
25 Furthermore, the authority shall immediately, upon the request of the  
26 Oswego river basin authority, cede all duties and powers related to the  
27 effectuation of the general duties and powers enumerated in title thir-  
28 ty-six of article eight of this chapter to the Oswego river basin  
29 authority in order to mitigate flood events in the Oswego river basin,  
30 including but not limited to the control, operation, maintenance, and  
31 adjustment of water levels of all reservoirs, dams or other flood miti-  
32 gation structures owned or operated by the authority. The authority  
33 shall regain all powers and duties ceded to the Oswego river basin  
34 authority at the end of a flood event, as determined by the Oswego river  
35 basin authority.

36 § 4. The public authorities law is amended by adding a new section  
37 1196-s to read as follows:

38 § 1196-s. Coordination with the Oswego river basin authority.  
39 Notwithstanding any provision of this title to the contrary, an authori-  
40 ty established and organized under this title shall be required to coor-  
41 ordinate with the Oswego river basin authority, as established by title  
42 thirty-six of article eight of this chapter. Furthermore, an authority  
43 shall immediately, upon the request of the Oswego river basin authority,  
44 cede all duties and powers related to the effectuation of the general  
45 duties and powers enumerated in title thirty-six of article eight of  
46 this chapter to the Oswego river basin authority in order to mitigate  
47 flood events in the Oswego river basin, including but not limited to the  
48 control, operation, maintenance, and adjustment of water levels of all  
49 reservoirs, dams or other flood mitigation structures owned or operated  
50 by an authority. Such authority shall regain all powers and duties ceded  
51 to the Oswego river basin authority at the end of a flood event, as  
52 determined by the Oswego river basin authority.

53 § 5. This act shall take effect immediately; provided, however, that  
54 the amendments to paragraph (b) of subdivision 11 of section 310 of the  
55 executive law made by section two of this act shall not affect the  
56 repeal of such section and shall be deemed repealed therewith.