§ 1387. Special port development and improvement powers. 1. The authority shall have power to make rules and regulations: (a) for the development, improvement, promotion, preservation and utilization of the port district and projects, including the Ogdensburg municipal airport and the industrial park development on lands wholly or in part acquired pursuant to the provisions of subdivision one of section thirteen hundred eighty-three of this chapter; and (b) for the payment and collection of fees, charges, rentals and other receipts from its properties and facilities within the port district, including the Ogdensburg municipal airport and the industrial park development, which fees, charges, rentals and other receipts are hereinafter referred to as "port revenue." Until such time as the state of New York is fully reimbursed by the authority for the total amount of money advanced by the state to the authority no rule, regulation, schedule or rate in relation to or governing port revenue shall become effective or controlling unless approved by the director of the budget of the state of New York.

2. Until such time as the state of New York is fully reimbursed for the total amount of money advanced by the state to the authority all port revenue received by the authority shall be paid to the state comptroller as agent of the authority and deposited in a separate bank account or accounts to be known as the "Ogdensburg port fund." The moneys in such fund shall be available subject to the approval of the director of the budget of the state of New York for the payment of any and all costs and expenditures incurred in relation to the acquisition of property, construction, equipment, maintenance, repair, operation and improvement of the industrial park development, port and airport. The moneys of the Ogdensburg port fund when made available shall be paid from such fund on the audit and warrant of the state comptroller on vouchers approved solely by the chairman of the authority or his duly designated officer.

3. All moneys in the Ogdensburg port fund in excess of the sum of two hundred thousand dollars shall on the first day of each month be paid by the authority to the state comptroller provided, however, that effective June thirty, nineteen hundred seventy-eight, the director of the budget

and the authority shall establish within the provisions of a written agreement between the authority and the director providing for the repayment to the state by the authority of state advances, the maximum amount of moneys which the authority may retain in the Ogdensburg port fund. The comptroller is hereby authorized to receive from the authority such amounts as shall be paid to the comptroller pursuant to the provisions of this section and to credit all such amounts to the capital construction fund. Upon certification by the state comptroller that all moneys due the state have been paid in full, the remaining balance of such fund shall be available to such authority and may be used by such authority for any corporate purpose. The accounts of the authority shall be subject to examination by the state comptroller. The state comptroller is hereby authorized and empowered to examine the accounts and books of the authority at such periods of time he may deem necessary, including its receipts, disbursements, contracts, leases and any other matters relating to its financial standing and fiscal affairs.

4. The provisions of this section and section thirteen hundred eighty-three shall not apply to the Waddington port district nor shall it apply to the acquisition, operation, utilization, management, promotion and improvement at Ogdensburg of the Rutland Railway Corporation dock terminal, facilities, appurtenances and the Rutland Railway Corporation right-of-way, facilities and appurtenances within the port district, in the event the authority obtains a federal loan or grant or a combination of both to finance the acquisition and development of such Rutland Railway Corporation property within the port district, provided, however, that the state of New York be fully reimbursed for any advances made for these specific purposes as defined in this subdivision, except that such right of reimbursement shall be subordinate to the rights of holders of any obligations issued by the authority pursuant to the terms and conditions applicable to any such federal loan or grant or combination of both.

5. Nothing in this section shall prevent the authority and the state from entering into an agreement for the establishment of a revolving fund to be used to pay part of or all of the authority's operating expenses. This revolving fund shall be initially funded with moneys

advanced from the Ogdensburg port fund and shall be replenished from time to time from such funds upon the audit and warrant of the comptroller.