*** § 1599-i. Bonds of the authority.** 1. The authority shall have the power and is hereby authorized from time to time to issue its negotiable bonds for any purpose mentioned in section fifteen hundred ninety-nine-d hereof, as well as to pay such expenses, premiums and commissions as may be deemed by the board necessary or desirable to or in connection with the acquisition, construction, reconstruction, improving, equipping and furnishing of any project and the financing thereof, including surveys, planning, provisions for capitalized interest, reserve funds and appropriate feasibility studies, and for the placing of the project or projects in operation and to secure the payment of the same by, including but not limited to, a pledge of the revenues of the authority or by a lien on the property of the authority. The authority shall have power from time to time and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose hereinabove described. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed, or may be sold and the proceeds applied to the purchase, payment or redemption of the bonds to be refunded. The amount of bonds issued by the authority shall not exceed twenty-five million dollars outstanding at any one time. In computing the total amount of bonds of the authority which may at any time be outstanding the amount of the outstanding bonds to be refunded from the proceeds of the sale of new bonds or by exchange for new bonds shall be excluded. Except as may otherwise be expressly provided by the authority, the bonds of every issue shall be general obligations of the authority payable out of any moneys or revenues of the authority, subject only to any agreements with the holders of any particular bonds pledging any particular moneys or revenues. Notwithstanding the fact that the bonds may be payable from a special fund, if they are otherwise of such form and character as to be negotiable instruments under article eight of the uniform commercial code the bonds shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of article eight of the uniform commercial code, subject only to the provisions of the bonds for registration.

2. The authority is authorized to obtain from any department or agency

of the United States of America or the state or any nongovernmental insurer or financial institution any insurance, guaranty or other credit support device, to the extent now or hereafter available, as to, or for the payment or repayment of interest of principal, or both, or any part thereof, on any bonds issued by the authority and to enter into any agreement or contract with respect to any such insurance or guaranty, except to the extent that the same would in any way impair or interfere with the ability of the authority to perform and fulfill the terms of any agreement made with the holders of outstanding bonds of the authority.

3. The bonds shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, except that bonds and any renewal thereof shall mature within thirty years of the date of their original issuance, bear interest at such rate or rates as such resolution or resolutions may provide, be payable at such times, be in such denominations, be in such form, either coupon or registered, carry such privileges, be executed in a manner, be payable in lawful money of the United States of America at such place or places and be subject to such terms of redemption, as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the authority shall determine provided, however, that no issue of bonds may be sold at private sale unless the terms of such sale shall have been approved in writing by (i) the comptroller, where such sale is not to such comptroller, or (ii) the state director of the budget, where such sale is to the comptroller. The foregoing provisions shall be applicable to bonds issued by the authority notwithstanding the provisions of any other general, special or local law to the contrary.

4. Any resolution or resolutions, authorizing any bonds or any issue of bonds may contain provisions, which shall be a part of the contract with the holders of the bonds thereby authorized, as to:

(a) pledging all or any part of the revenues of a project or projects, together with any other moneys, securities, contracts or property of the authority to secure the payment of the bonds, subject to such agreements with bondholders as may then exist;

(b) the rentals, fees and other charges to be charged, and the amounts

to be raised in each year thereby, and the use and disposition of the earnings and the other revenues;

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

(d) limitations on the right of the authority to restrict and regulate the use of a project;

(e) limitations on the purpose to which the proceeds of sale of any issue of bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the bonds or of any issue of the bonds;

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

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

(h) limitations on the amount of moneys derived from a project to be expended for operating, administrative or other expenses of the authority;

(i) the creation of special funds into which any revenues or other moneys of the authority may be deposited;

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

(k) vesting in a trustee or trustees such property, rights, powers and duties in trust as the authority may determine which may include any or all the rights, powers and duties of the trustees appointed by the bondholders pursuant to section fifteen hundred ninety-nine-p hereof, and limiting or abrogating the right of the bondholders to appoint a trustee under said section or limiting the rights, duties and powers of such trustee;

(l) defining the acts or omissions to act which may constitute a default in the obligations and duties of the authority to the bondholders and providing for the rights and remedies of the bondholders in the event of such default, including as a matter of right the appointment of a receiver, provided, however, that such rights and remedies shall not be inconsistent with the general laws of the state

and other provisions of this title;

(m) limitations on the power of the authority to sell or otherwise dispose of its properties or any part thereof;

(n) limitations on the amount of moneys or revenues to be expended for operating, administrative or other expenses of the authority;

(o) the payment of the proceeds of bonds, revenues and other moneys to a trustee or other depositary, and for the method of disbursement thereof with such safeguards and restrictions as the authority may determine; and

(p) any other matters, of like or different character, which in any way affect the security or protection of the bonds.

5. In addition to the powers herein conferred upon the authority to secure its bonds, the authority shall have power in connection with the issuance of bonds to enter into such agreements as the authority may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other moneys or property, including the mortgaging of any of its properties and the entrusting, pledging or creation of any other security interest in any such revenues, moneys or properties and the doing of any act, including refraining from doing any act, which the authority would have the right to do in the absence of such agreements. The authority shall have power to enter into amendments of any such agreements within the powers granted to the authority by this title and to perform such agreements. The provisions of any such agreements may be made a part of the contract with the holders of bonds of the authority.

6. It is the intention hereof that any pledge of revenues or other moneys made by the authority shall be valid and binding from the time when the pledge is made; that the revenues or other moneys so pledged and thereafter received by the authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act; and that the lien of any such pledge shall be valid and binding as against all parties having claims, of any kind in tort, contract or otherwise against the authority irrespective of whether such parties have notice thereof. Neither the resolution nor any other instrument by which a pledge is created need be recorded.

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

8. The authority shall have power out of any funds available therefor to purchase bonds upon such terms and conditions as the authority may determine. The authority may hold, cancel or resell such bonds, subject to and in accordance with agreements with bondholders.

9. In the discretion of the authority, the bonds may be secured by a trust indenture by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in the state of New York. Such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority in relation to the construction, maintenance, operation, repair and insurance of the project or projects and the custody, safeguarding and application of all moneys, and may provide that the project or projects shall be constructed and paid for under the supervision and approval of consulting engineers. Notwithstanding the provisions of section fifteen hundred ninety-nine-h of this title the authority may provide by such trust indenture for the payment of the proceeds of the bonds and the revenues of the project or projects to the trustee under such trust indenture or other depository, and for the method of disbursement thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation, and repairs of the project or projects. If the bonds shall be secured by a trust indenture, the bondholders shall have no authority to appoint a separate trustee to represent them, and the trustee under such trust indenture shall have and possess all of the powers which are conferred by section fifteen hundred ninety-nine-p upon a trustee appointed by bondholders.

* NB Authority ceased to exist 08/05/2002

* NB There are 4 § 1599-i's