

Title 28-BB
Albany Convention Center Authority

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§ 2675-a. Short title. This title shall be known and may be cited as the "Albany convention center authority act".

§ 2675-b. Statement of legislative findings. It is hereby found, determined and declared that there is an immediate need to institute a comprehensive, coordinated program of convention activities in the city of Albany. It is further found, determined and declared to be desirable to create an Albany convention center authority to provide the city of Albany with the capability to effectively and efficiently develop, renovate and undertake certain transformational economic developmental projects in the historic downtown area to optimize the economic and social activities of the city and its environs. It is further found, determined and declared that the construction, transformation and improvement of new and existing facilities for a convention center consisting of trade exhibition, hotel accommodations, transportation infrastructure, tourism, theatre facilities, retail business, commercial office space facilities, including services for the operation and maintenance thereof, will provide significant economic and social benefits to the city and county of Albany and the entire capital district region and, that, consistent with social, economic, environmental and other essential considerations of state policy, locating and renovating these new and improved facilities in the historic downtown area of the city of Albany is in the public interest, given the convenience and accessibility of the city, its significance in the history of the state and nation, its designation as a heritage area, its stature as the capital city of the state and the seat of state government, and the immediacy of the needs

of the people of the state for the realization of the significant economic and social benefits to be derived from this convention center. It is further found, determined and declared that the development of the area is a matter of essential state and city concern, and that the establishment and creation of an Albany convention center authority is necessary to provide for the economic prosperity and general welfare of the people of the city of Albany and the state of New York for the construction, development, location and operation of a convention center consisting of these facilities. It is further found, determined and declared to be the intent of the legislature that the Albany convention center authority shall carry out its purposes and responsibilities directly and through agreements with local entities, and that the Albany convention center authority shall be created as a public benefit corporation and that the corporate programs and powers conferred under this title and the expenditure of public monies pursuant thereto, are in furtherance of a valid public interest and public purpose.

§ 2675-c. Definitions. As used or referred to in this title, unless a different meaning appears from the context:

1. "Authority" shall mean the public benefit corporation created by section twenty-six hundred seventy-five-d of this title.

2. "Board" shall mean the members of the authority created in section twenty-six hundred seventy-five-d of this title.

3. "Bonds" shall mean hotel revenue bonds, notes, and other evidence of indebtedness issued by the authority pursuant to this title.

4. "City" shall mean the city of Albany.

5. "Common council" shall mean the common council of the city of Albany.

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

7. "Convention facility" shall mean a convention center complex comprised of facilities for trade exhibition, hotel accommodations, transportation infrastructure, tourism, retail business, commercial office space and/or parking of which the ownership, lease, transfer, design, development, planning, financing, creation, siting, construction, renovation, administration, operation, management and/or maintenance is authorized to be undertaken, in whole or part, by the authority pursuant to this title.

8. "County executive" shall mean the county executive of the county of Albany.

9. "County legislature" shall mean the county legislature of the county of Albany.

10. "Director of the budget" shall mean the director of the budget for the state of New York.

11. "Downtown" shall mean the area within the boundaries of the city of Albany located within one mile of the State Capitol or Empire State Plaza.

12. "Governor" shall mean the governor of the state of New York.

13. "Mayor" shall mean the mayor of the city of Albany.

14. "Municipality" shall mean a county, town, city or village.

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

16. "Personal property" shall mean chattels and other tangible things of a moveable or removable nature.

17. "Property" shall mean both real and personal property.

18. "Real property" shall mean lands, structures, franchises and interests in land,

airspace, waters, lands under water, riparian rights, air rights, any fixtures, equipment and articles of personal property affixed to or used in connection therewith, and any and all things and rights included within said term and includes not only fees simple absolute but also any and all lesser interests including but not limited to easements, rights-of-way, uses, leases, licenses and all other incorporeal hereditaments and every estate, interest or right, legal or equitable, including terms for years and liens thereon by way of judgments, mortgages, or otherwise.

19. "State" shall mean the state of New York.

20. "Theatre facilities" shall mean a building or part of a building with one or more performance areas and one or more audience seating areas used primarily for the presentation of dramatic or musical theatre.

§ 2675-d. Albany convention center authority. 1. A corporation known as the Albany convention center authority is hereby created for the public purpose and charged with the duties and having the powers provided in this title. The authority shall be a body corporate and politic constituting a public benefit corporation. The governing body of the authority shall be a board. The authority shall consist of nine members. Three members shall be appointed by the governor. One member shall be appointed by the temporary president of the senate. One member shall be appointed by the speaker of the assembly. Two members shall be appointed by the mayor with the advice and consent of the common council. Two members shall be appointed by the county executive with the advice and consent of the county legislature. All members of the board shall serve at the pleasure of their appointing authority.

2. A member of the board shall be designated as chairperson by a majority vote of all the members of the board, provided that the initial chairperson must be one of the members appointed by the governor. A member of the board shall also be so designated as vice-chairperson of the board. The chairperson may appoint an executive director of the authority, upon advice and consent of the board, who shall be primarily responsible for the discharge of the administrative functions of the authority. The executive director shall be deemed an employee of the authority, and, as such, be an exempt management confidential employee, who is a public officer and entitled to an annual salary as established by the authority board, such salary not to exceed the salary of the mayor or county executive, whichever is higher.

3. The powers of such corporation shall be vested in and exercised by the board.

4. The authority and its corporate existence shall continue until its existence shall be terminated by law, provided, however, that no such termination shall take effect so long as the authority shall have bonds or other obligations outstanding unless adequate provision has been made for the payment or satisfaction thereof.

5. Five members of the board shall constitute a quorum for the transaction of business. At least four of the members of the board present at any meeting at which a quorum shall be present, shall be necessary to pass any resolution, except as otherwise specified in this title. All propositions requiring the expenditure of money or affecting contract rights or property, shall be presented to the board in writing. No resolution containing such a proposition shall pass unless it receives approval of at least a majority of the whole board.

6. The board shall hold at least one regular meeting every month. The chairperson, or in his or her absence the vice-chairperson, or any four members, may call a special meeting by notice as specified by the board. All meetings of the board shall be subject to article seven of the public officers law.

7. Members of the board shall be entitled to no compensation for their services, but shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

8. Notwithstanding any inconsistent provision of any general, special or local law, no officer or employee of the state or of any municipality, as defined in the public officers law, the second class cities law, or the general city law, shall be deemed to have forfeited or shall forfeit his or her public office or any benefits provided under the retirement or social security law or under any public retirement system maintained by the state or any of its subdivisions by reason of his or her acceptance of membership on or chairpersonship or vice-chairpersonship of the authority.

9. The principal office of the authority shall be located in the city of Albany.

10. Subject to the provisions of this title, members of the authority may engage in private employment, or in a profession or business.

§ 2675-e. General purposes and powers of the authority. The general purposes of the authority shall be to design, develop, plan, finance, create, site, construct, renovate, administer, operate, manage, and maintain the convention facility of the authority. To carry out such purposes the authority shall have the following powers:

1. To sue and be sued;
2. To have a seal and alter the same at its pleasure;
3. To acquire by purchase or condemnation, real property within the city of Albany necessary, desirable or convenient for its corporate purposes and hold, use, develop and dispose of the same in connection therewith;
4. To borrow money and issue bonds of the authority for any of its corporate purposes, to secure the same with its revenues or other funds and otherwise to provide for and secure the payment thereof and to provide for the rights of holders thereof and to fund or refund the same;
5. To acquire, hold, use and dispose of personal property for its corporate purposes;
6. To make by-laws for the regulation of its affairs and the conduct of its business;
7. To appoint officers, agents and employees; and to describe their qualifications and fix their compensation subject, however, to the provisions of the civil service law;
8. To make contracts and leases and to execute all instruments necessary or convenient for its corporate purposes;
9. To accept grants, loans, funding or other contributions from the United States, the state of New York, the county of Albany, or any agency or instrumentality of them, or the city of Albany or any of its agencies or instrumentalities, or any privately endowed foundation, organization or individual, including gifts, grants, loans or contributions of real or personal property and to expend the proceeds for any purposes of the authority;
10. To fix and collect revenues, dues, costs, assessments, rentals, fees and other charges for the use of real or personal property and/or facilities comprising the convention facility subject to and in accordance with such agreements with bondholders as may be provided in this title;
11. To contract for the services of architects, engineers, consultants, lawyers, financial and other professional consultants and advisors, developers, contractors, vendors, concessionaires, tenants, and/or convention facility users, occupant managers and service providers and to fix their compensation;
12. To design, develop, own, plan, finance, create, site, construct, renovate, administer, operate, manage and/or maintain such buildings, structures and other improvements and facilities comprising such convention facility;
13. To designate the depositories of its money;
14. To establish its fiscal year;

15. To enter into any lease of or to mortgage any property, and the site thereof;

16. To enter into agreements, in its discretion, to pay annual sums in lieu of taxes to the city of Albany, the Albany city school district, the Albany public library, the county of Albany, or any other political subdivision or taxing district within the county of Albany in respect of any real property which is owned by the authority and located in any such municipality, political subdivision or taxing district;

17. With the consent of the city, to use agents, employees and facilities thereof; paying to the city an agreed proportion of the compensation or cost thereof; and

18. To do all things necessary, convenient or desirable, including ancillary and incidental activities, to carry out its purposes and for the exercise of the powers granted in this title.

§ 2675-f. Preliminary study of the authority. Prior to commencing any purchase, lease or transfer of any real property, in whole or part, the authority shall formulate a plan for the creation and development of the convention facility. After passage of a resolution approving such plan, it shall be submitted to the governor, comptroller, temporary president of the senate, speaker of the assembly, county executive and mayor. Such resolution shall require at least six affirmative votes of the board for passage. Any plan submitted will include, but not be limited to: a detailed accounting of expected revenues and financing; an estimate of expenditures necessary for construction and maintenance; a description of the geographic location of anticipated construction sites, with supporting information on the impact such construction would have on existing structures in the vicinity; a depiction of any and all structures anticipated for construction; an assessment of anticipated environmental impacts; a plan for inclusion of historic preservation measures to be undertaken; a structure for involvement of the community; the report of results from public hearings held, pursuant to section twenty-six hundred seventy-five-g of this title; and, a timeline for expected development.

§ 2675-g. Public hearings of the authority. 1. The authority shall hold public hearings prior to:

(a) the adoption of the preliminary report pursuant to section twenty-six hundred seventy-five-f of this title;

(b) the adoption of any project where the authority would condemn real property pursuant to subdivision three of section twenty-six hundred seventy-five-e of this title;

2. The board shall schedule and hold two or more public hearings to solicit public comments. Notice of such hearings shall, not less than two weeks prior to the scheduled date, be posted conspicuously and printed in a newspaper or newspapers having general circulation within the county of Albany. Provision shall be made for the solicitation of comments from interested parties not able to attend the hearing(s). After the conclusion of the public hearing and comment period, the board shall consider the results of the public hearing and comments submitted with respect to the adoption of the preliminary report or proposed project and issue a report summarizing the comments received.

§ 2675-h. Contracts. 1. Construction contracts let by the authority shall be in conformity with the applicable provisions of section one hundred thirty-five of the state finance law.

2. The authority may, in its discretion, assign contracts for supervision and coordination to the successful bidder for any subdivision of work for which the authority receives bids. Any construction contract awarded by the authority shall contain such other terms and conditions as the authority may deem desirable. The authority shall not award any construction contract except to the lowest bidder who, in its opinion, is qualified to perform the work required and who is responsible and reliable. The authority may, however, reject any or all bids or waive any informality in a bid if it believes that the public interest will be promoted thereby. The authority may reject any bid, if, in its judgement, the business and technical organization, plant, resources, financial standing, or experience of the bidder justifies such rejection in view of the work to be performed.

3. All contracts or leases for the construction, reconstruction, rehabilitation or improvement of buildings let by the authority shall comply with the provisions of section two hundred twenty of the labor law.

4. For the purposes of article fifteen-A of the executive law only, the authority shall be deemed a state agency as that term is used in such article, and all contracts for procurement, design, construction, services and materials shall be deemed state contracts, within the meaning of that term as set forth in such article.

§ 2675-i. Monies of the authority. 1. All monies of the authority from whatever source derived, except as otherwise authorized or provided in this title, shall be paid to the authority and shall be deposited forthwith in a bank or banks in the state designated by the authority. The monies in such accounts shall be withdrawn on the order of such person or persons as the authority may authorize. All deposits of such monies shall, if required by the authority, be secured in such manner as the authority may determine. The comptroller and his legally authorized representatives are authorized and empowered from time to time to examine the accounts and books of the authority, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other records and papers relating to its financial standing. Such examination shall be conducted by the comptroller at least once in every five years; the comptroller is authorized, however, to accept from the authority, in lieu of such an examination, an external examination of its books and accounts made at the request of the authority. The results of any such examinations shall be reported to the governor, the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, the mayor and the county executive.

2. Notwithstanding any other provisions of this title related to the investments of monies of the authority, the authority shall have power to contract with holders of any of its bonds, as to the custody, collection, securing, investment, and payment of monies of the authority, of any monies held in trust or otherwise for the payment of bonds, and to carry out such contract. Monies held in trust or otherwise for the payment of bonds or in any way to secure bonds and deposits of such monies may be secured in such manner as shall be set forth in such contract or agreement, and all banks and trust companies are authorized to give such security for such deposits. The authority shall establish and may amend from time to time, guidelines for the investment of its monies, including those held in trust for the benefit of the holders of bonds, and shall file such guidelines in the

authority's public records within sixty days after the adoption of such guidelines or amendments thereto.

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

§ 2675-j. Bonds of the authority. 1. The authority shall have the power and is hereby authorized from time to time to issue hotel revenue bonds. The authority shall further have power from time to time and whenever it deems refunding expedient, to refund any hotel revenue bonds by the issuance of new hotel revenue 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. Hotel revenue bonds of the authority shall be revenue obligations payable from and secured solely by hotel revenues as the authority determines are available therefor and upon such terms and conditions as specified by the authority in the resolution under which the bonds are issued.

2. Bonds issued by the authority may be general obligations secured by the faith and credit of the authority or may be special obligations payable solely out of particular revenues or other monies as may be designated in the proceedings of the authority under which the bonds shall be authorized to be issued, subject as to priority only to any agreements with the holders of outstanding bonds pledging any particular property, revenues or monies. The authority may also enter into loan agreements, lines of credit and other security agreements and obtain for or on its behalf letters of credit, insurance, guarantees or other credit enhancements to the extent now or hereafter available, in each case for securing its bonds or to provide direct payment of any costs which the authority is authorized to pay.

3. (a) Bonds shall be authorized by resolution of the authority, be in such denominations and bear such date or dates and mature at such time or times, as such resolution may provide, provided that bonds and renewals thereof shall mature within thirty years from the date of original issuance of any such bonds. Any and all such resolutions shall require at least six affirmative votes of the board for passage. Any such resolution may delegate to an officer or committee of the authority, and any such committee may delegate to an officer, the power to issue such bonds from time to time and to fix the details of any such issues of bonds by an appropriate certificate of such authorized officer.

(b) Bonds shall be subject to such terms of redemption, bear interest at such rate or rates, be payable at such times, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, and be subject to such terms and conditions as such resolution may provide. Notwithstanding any other provision of law, the bonds of the authority issued pursuant to this section shall be sold to the bidder offering the lowest true interest cost, taking into consideration any premium or discount not less than four nor more than fifteen days, Sunday excepted, after a notice of such sale has been published at least once in a newspaper of general circulation in the area served by the authority, which shall state the terms of the sale. The terms of the sale may not change unless notice of such change is published in such newspaper at least one day prior to the date of the sale as set forth in the original notice of sale. Advertisements shall contain a provision to the effect that the authority, in its discretion, may reject any or all bids made pursuant to such advertisements, and in the event of such rejection, the authority is authorized to negotiate a private or public sale or readvertise for bids in the form and manner above described as many times as, in its judgment, may be necessary to effect satisfactory sale.

(c) Notwithstanding the provisions of paragraph (b) of this subdivision, whenever in the judgment of the authority the interests of the authority will be served thereby, the members of the authority, on the written recommendation of the chairperson may authorize the sale of such bonds

at private or public sale on a negotiated basis or on either a competitive or negotiated basis. The authority shall set guidelines governing the terms and conditions of any such private or public sales. The private or public bond sale guidelines set by the authority shall include, but not be limited to, a requirement that where the interests of the authority will be served by a private or public sale of bonds, the authority shall select underwriters taking into account, among other things, qualifications of underwriters as to experience, their ability to structure and sell authority bond issues, anticipated costs to the authority, the prior experience of the authority with the firm, if any, the capitalization of such firms, participation of qualified minority and women-owned business enterprise firms in such private or public sales of bonds of the authority and the experience and ability of firms under consideration to work with minority and women-owned business enterprises so as to promote and assist participation by such enterprises.

(d) The authority shall have the power from time to time to amend such private bond sale guidelines in accordance with the provisions of this subdivision.

(e) No private or public bond sale on a negotiated basis shall be conducted by the authority without prior approval of the state comptroller. The authority shall annually prepare and approve a bond sale report which shall include the private or public bond sale guidelines as specified in this subdivision, amendments to such guidelines since the last private or public bond sale report, an explanation of the bond sale guidelines and amendments, and the results of any sale of bonds conducted during the fiscal year. Such bond sale report may be a part of any other annual report that the authority is required to make.

(f) The authority shall annually submit its bond sale report to the director of the budget, state comptroller and copies thereof to the senate finance committee and the assembly ways and means committee.

(g) The authority shall make available to the public copies of its bond sale report upon reasonable request thereof.

(h) Nothing contained in this subdivision shall be deemed to alter, affect the validity of, modify the terms of, or impair any contract or agreement made or entered into in violation of, or without compliance with, the provisions of this subdivision.

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

(a) Pledging all or part of the revenues, together with any other monies or property of the authority to secure the payment of the bonds, or any costs of issuance thereof, including but not limited to, any contracts, earnings or proceeds of any grant to the authority received from any private or public source subject to such agreements with bondholders as may then exist;

(b) The setting aside of reserves and the creation of sinking funds and the regulation and disposition thereof;

(c) Limitations on the purpose to which the proceeds from the sale of bonds may be applied;

(d) The rates, rents, fees and other charges to be fixed and collected by the authority and the amount to be raised in each year thereby and the use and disposition of revenues;

(e) Limitations on the right of the authority to restrict and regulate the use of the project or part thereof in connection with which bonds are issued;

(f) Limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and 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, including the proportion of bondholders which must consent thereto, and the manner in which such consent may be given;

(h) The creation of special funds into which any revenues or monies may be deposited;

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

(j) Vesting in a trustee or trustees such properties, rights, powers and duties in trust as the authority may determine which may include any or all of the rights, powers and duties of the

trustees appointed by the bondholders pursuant to this title or limiting the rights, duties and powers of such trustee;

(k) 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 appointment of a receiver, provided, however, that such acts or omissions to act which may constitute a default and such rights and remedies shall not be inconsistent with the general laws of the state and other provisions of this title;

(l) Limitations on the power of the authority to sell or otherwise dispose of any project or any part thereof or other property;

(m) Limitations on the amount of revenues and other monies to be expended or operating, administrative or other expenses of the authority;

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

(o) Any other matters of like or different character which in any way affect the security or protection of the bonds or the rights and remedies of the bondholders.

5. In addition to the powers herein conferred upon the authority to secure its bonds, the authority shall have the power in connection with the issuance of bonds to adopt resolutions and enter into such trust indentures, agreements or other instruments as the authority may deem necessary, convenient or desirable concerning the use or disposition of its revenues or other monies or property, including the mortgaging of any property and the entrusting, pledging or creation of any other security interest in any such revenues, monies or property 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 resolutions, trust indentures, agreements or other instruments. The authority shall have power to enter into amendments of any such resolutions, trust indentures, agreements or other instruments within the powers granted to the authority by this title and to perform such resolutions, trust indentures, agreements or other instruments. The provisions of any such resolutions, trust indentures, agreements or other instruments may be made a part of the contract with the holders of bonds of the authority.

6. Any provision of the uniform commercial code to the contrary notwithstanding, any pledge of or other security interest in revenues, monies, accounts, contract rights, general intangibles or other personal property made or created by the authority shall be valid, binding and perfected from the time when such pledge is made or other security interest attaches without any physical delivery of the collateral or further act, and the lien of any such pledge or other security interest shall be valid, binding and perfected against all parties having claims of any kind in tort, contract or otherwise against the authority irrespective of whether or not such parties have notice thereof. No instrument by which such a pledge or security interest is created nor any financing statement need be recorded or filed.

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

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

9. Subject to such agreements with bondholders as may then exist, the authority shall have power out of any funds available therefor to purchase bonds of the authority, in lieu of redemption, at a price not exceeding, if the bonds are then redeemable, the redemption price then applicable plus accrued interest to the next interest payment date, or, if the bonds are not then redeemable, the redemption price applicable on the first date after such purchase upon which the bonds become subject to redemption plus accrued interest to the next interest payment date.

Bonds so purchased shall thereupon be canceled.

10. The authority shall have power and is hereby authorized to issue negotiable bond anticipation notes in conformity with applicable provisions of the uniform commercial code and in accordance with section 21.00 of the local finance law, as amended from time to time.

§ 2675-k. Agreements of the state. The state of New York does hereby pledge to and agree with the holders of the bonds that the state will not limit or impair the rights hereby vested in the authority to acquire, construct, maintain, reconstruct and operate its convention facility, to establish and collect rentals, fees and other charges and to fulfill the terms of any agreements made with the holders of the bonds, or in any way impair the rights and remedies of the bondholders, until the bonds, together with interest thereon, including interest on any unpaid installments of interest and all costs and expenses in connection with any action or proceeding by or on behalf of the bondholders, are fully met and discharged.

§ 2675-l. State, county and city not liable on bonds. The bonds and other obligations of the authority shall not be a debt of the state of New York, the county of Albany or the city of Albany, and neither the state, the county nor the city shall be liable thereon, nor shall they be payable out of any funds other than those of the authority. All such bonds and notes of the authority shall contain on the face thereof a statement to that effect.

2675-m. Bonds; legal investment for fiduciaries. The bonds are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions, all insurance companies and associations and other persons carrying on an insurance business, all banks, bankers, trust companies, savings banks and savings associations, including savings and loan associations, investment companies and other persons carrying on a banking business and all other persons whatsoever, except as hereinafter provided, who are now or may hereafter be authorized to invest in bonds or other obligations of the state, may properly and legally invest funds including capital in their control or belonging to them; provided that, notwithstanding the provisions of any other general or special law to the contrary, such bonds shall not be eligible for the investment of funds, including capital, trusts, estates or guardianships under the control of individual administrators, guardians, executors, trustees and other individual fiduciaries. The bonds are also hereby made securities which may be deposited with and may be received by all public officers and bodies of this state and all municipalities and municipal subdivisions for any purpose for which the deposit of bonds or other obligations of this state is now or may hereafter be authorized.

§ 2675-n. Tax exemption and tax contract by the state. 1. It is hereby determined that the creation of the authority and the carrying out of its corporate purposes is in all respects for the benefit of the people of the state of New York and is a public purpose. Accordingly, the authority shall be regarded as performing an essential governmental function in the exercise of the powers conferred upon it by this title, and the authority shall not be required to pay any fees, taxes, special ad valorem levies or assessments of any kind, whether state or local, including but not limited to fees, taxes, special ad valorem levies or assessments on real property, franchise taxes, sales taxes or other taxes, upon or with respect to any property owned by it or under its jurisdiction, control or supervision, or upon the uses thereof, or upon or with respect to its activities or operations in furtherance of the powers conferred upon it by the title, or upon or with respect to any rentals, rates, charges, fees, revenues or other income received by the authority.

2. Any bonds issued pursuant to this title together with the income therefrom shall at all times be exempt from taxation.

3. The state hereby covenants with the purchasers and with all subsequent holders and transferees of bonds issued by the authority pursuant to this title, in consideration of the acceptance of and payment for the bonds, that the bonds of the authority issued pursuant to this title and the income therefrom and all revenues, monies, and other property pledged to pay or to secure the payment of such bonds shall at all times be free from taxation.

4. The authority may pay, or may enter into agreements with the county or any municipality to pay, a sum or sums annually or otherwise or to provide other considerations with respect to real property owned by the authority located within the county or such municipality.

§ 2675-o. Remedies for bond holders. 1. In the event that the authority shall default in the payment of principal or interest on any issue of bonds after the same shall become due, whether at maturity or upon call redemption, and such default shall continue for a period of thirty days, or in the event that the authority shall fail or refuse to comply with the provisions of this title, or shall default in any agreement made with the holders of any issue of bonds, the holders of twenty-five per centum in aggregate principal amount of the bonds of such issue then outstanding, by instrument or instruments filed in the office of the clerk of the county in which the principal office of the authority is located, and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the holders of such bonds for the purposes herein provided.

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

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

(b) bring suit upon such bonds;

(c) by action or suit, require the authority to account as if it were the trustee of an

express trust for the holders of such bonds;

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

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

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

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

§ 2675-p. Actions against authority. 1. Except in an action for wrongful death, no action for special proceeding shall be prosecuted or maintained against the authority, its members, officers or employees for personal injury or damage to real or personal property alleged to have been sustained by reason of negligence, tort or wrongful act of the authority or of any member, officer, agent or employee thereof, unless (a) notice of claim shall have been made and served upon the authority within the time limit set by and in compliance with section fifty-e of the general municipal law, (b) it shall appear by and as an allegation in the complaint or moving papers that at least thirty days have elapsed since the service of such notice and that adjustment or payment thereof has been neglected or refused, (c) the action or special proceeding shall be commenced within one year and ninety days after the happening of the event upon which the claim is based, and (d) an action against the authority for wrongful death shall be commenced in accordance with the applicable notice of claim and time limitation provisions of title eleven of article nine of this chapter.

2. Whenever a notice of claim is served upon the authority, it shall have the right to demand an examination of the claimant relative to the occurrence and extent of the injuries or damages for which claim is made, in accordance with the provisions of section fifty-h of the general municipal law.

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

4. Any action or proceeding to which the authority or the people of the state may be parties, in which any question arises as to the validity of this title, shall be preferred over all other civil causes of action or cases, except election causes of action or cases, in all courts of the state and shall be heard and determined in preference to all other civil business pending therein except election causes, irrespective of position on the calendar. The same performance shall be granted upon application of the authority or its counsel in any action or proceeding questioning the validity of this title in which the authority may

be allowed to intervene. The venue of any such action or proceeding shall be laid in the Supreme Court of Albany county.

5. The rate of interest to be paid by the authority upon any judgement for which it is liable, other than a judgement on its bonds, shall be the rate prescribed by section five thousand four of the civil practice law and rules. Interest on payments of principal or interest on any bonds in default shall accrue at the rate borne by such bonds from the due date thereof until paid or otherwise satisfied. 6. All actions or proceedings against the authority of whatever nature shall be brought in the Supreme Court of Albany county.

§ 2675-q. Annual reports. The accounts of the authority shall be subject to the supervision of the state comptroller and an annual audit shall be performed by an independent certified public accountant. The authority shall annually submit to the mayor, county executive, governor, state comptroller, chairperson of the senate finance committee and the chairperson of the assembly ways and means committee a copy of said report which shall also be filed with the clerk of the common council.

§ 2675-r. Severability. If any provision of any section of this title or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgement shall be confined in its operation to the controversy in which it was rendered, and shall not affect or invalidate the remainder of any provision of any section of this title or the application of any part thereof to any other person or circumstance and to this end the provisions of each section of this title are hereby declared to be severable.