

CHAPTER 824

AN ACT creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers

Became a law August 31, 1933, with the approval of the Governor. Passed, on message of necessity, three-fifths being present

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

Buffalo and
Fort Erie
Public
Bridge
Authority
created.

Section 1. Buffalo and Fort Erie Public Bridge Authority. A board to be known as Buffalo and Fort Erie Public Bridge Authority is hereby created which shall be a body corporate and politic, constituting a public benefit corporation, to consist of nine members.

§ 2. The board shall constitute the municipal corporate instrumentality of the state of New York, for the purpose of carrying out the provisions of this act. The board is hereby authorized and empowered to act for and become the agency or instrumentality, corporate or otherwise, of the Dominion of Canada, with like duties and authority, or with such duties, powers, authority and purposes as may be determined by the Dominion of Canada with reference to the lands, bridges, terminals, approaches and properties within the Dominion of Canada connected with or usable with the property and assets authorized to be acquired and conveyed to the board hereunder and now constituting the property and assets of the Buffalo and Fort Erie Public Bridge Company.

§ 3. Six members of the board, who shall be citizens of the United States and residents of the state of New York, shall be appointed and may be removed by the governor; three members of the board, who shall be residents of the Dominion of Canada, shall be appointed, and may be removed, in such manner and at such time and may hold office for such period as may be determined by the Dominion of Canada. Of the members first appointed by the governor, two shall be designated by him to serve for two years from the date of their appointments; two shall be designated by him to serve for four years from such date and two shall be designated by him to serve for six years from such date. Thereafter each member appointed by the governor shall serve for a term of six years from the date of his appointment.

§ 4. Vacancies in the board caused by the death, disqualification, resignation or removal of a member appointed by the governor shall be filled by appointment by the governor. If a vacancy shall occur by reason of the death, disqualification, resignation or removal of a member who is a resident of the Dominion of Canada, the person appointed to fill such vacancy must be a resident of the Dominion of Canada and such appointment shall be made in the manner and by such authority as the Dominion of Canada may require.

§ 5. The members of the board shall serve without compensation, but the board shall have authority to compensate its members for expenses and disbursements from funds collected by it in the operation of properties acquired by it.

§ 6. The board shall appoint annually a chairman, a vice-chairman or vice-chairmen, a secretary, an assistant secretary, a treasurer, and an assistant treasurer, and may delegate to them such powers and duties as it may deem proper.

§ 7. The board may adopt such by-laws, rules and regulations for the calling and conduct of its meetings and the management of its affairs as it may deem necessary or proper, not inconsistent with the provisions of this act. A majority of the board shall constitute a quorum for the transaction of any business and the concurrence of a majority of the members of the board shall be necessary to the validity of any action by the board.

§ 8. The board may appoint agents and employees with such powers and duties as it may determine, and shall fix their compensation and pay the same out of any funds collected by it in the operation of properties acquired by it.

§ 9. The Buffalo and Fort Erie Public Bridge Authority shall have power:

1. To sue and be sued.
2. To have a seal and alter the same at pleasure.
3. To acquire, hold and dispose of real and personal property for its corporate purposes.
4. To make contracts and to execute all instruments necessary or convenient.
5. To maintain, reconstruct, repair and replace and operate any properties acquired by it, and pay for the same out of any funds collected by it in the operation of properties acquired by it.
6. To do any other act or thing necessary or proper to carry out, accomplish or effectuate the purposes of this act.

§ 10. The board is authorized to lease and permit to be maintained under such lease, over or along the property acquired by it, telephone, telegraph or electric wires, cables, gas mains, water mains and other mechanical equipment, not inconsistent with the use of the property for vehicular and pedestrian traffic, on such terms and at such consideration as it shall determine, provided, however, that no lease shall be made for a period extending beyond the term of the existence of the board.

§ 11. The board is hereby authorized to acquire title to all of the assets and property of the Buffalo and Fort Erie Public Bridge Company and to pay therefor a sum not exceeding the aggregate of

(a) The amount necessary to redeem bonds of such company issued and now outstanding;

(b) The amount necessary, not exceeding fifty thousand dollars and accrued dividends, to retire the capital stock of such company;

(c) The amount necessary to pay other indebtedness which such company is obligated to pay.

The Buffalo and Fort Erie Public Bridge Company is hereby authorized to transfer and convey to the board all of its assets and property.

§ 12. The board is hereby authorized to accept deeds, bills of sale and other transfers deemed necessary or proper to transfer and convey to the board all of the assets and property of the Buffalo and Fort Erie Public Bridge Company and to hold the same under the provisions of this act, until such time as all of the bonds issued by the board hereunder shall have been paid in full or shall have otherwise been discharged.

§ 13. When all of the bonds issued by the board hereunder shall have been paid in full or shall have otherwise been discharged, the powers, jurisdiction and duties of the board shall cease and the property and assets acquired and held by it within the state of New York shall thereafter be under such jurisdiction, authority or agency as the legislature may designate, and the assets and property acquired or held by it within the Dominion of Canada shall be under such jurisdiction, authority or agency as the Dominion of Canada may designate.

§ 14. 1. The Buffalo and Fort Erie Public Bridge Authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount of not exceeding at any one time four million dollars.

2. The bonds and the indenture, if any, under which they are issued, shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, except that no bonds shall mature before January first, nineteen hundred thirty-seven, bear interest at such rate or rates not exceeding five per centum per annum, payable semi-annually, be in such denominations, 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 of redemption, not exceeding a premium of one and one-half per centum as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the board shall determine, but at no greater discount than five per centum of the face amount thereof.

3. The bonds may be issued for any corporate purpose of the Buffalo and Fort Erie Public Bridge Authority and/or may be exchanged for outstanding bonds or other indebtedness of the Buffalo and Fort Erie Public Bridge Company on such terms as may be agreed upon by the board and the holders and owners of such bonds and other indebtedness, except that the exchange price thereof shall not be greater in par. value of bonds of the board than the redemption price of the bonds of such company under existing indentures and the face amount of such other indebtedness.

4. Any resolution or resolutions authorizing any bonds or any indenture authorizing the issuance of bonds may contain provisions which shall be a part of the contract with the holders of the bonds or part of the indenture as to (a) pledging the tolls and revenues of the properties to secure the payment of the bonds; (b) the rates of tolls to be charged and the amount to be raised in each year by tolls and the use and disposition of the tolls and other revenue; (c) the setting aside of reserves or sinking funds and the regulation or disposition thereof, provided that no requirement shall be made by which bonds are retired in excess of ten per centum of the total outstanding bonds in any one year; (d) limitations on the right of the board to restrict and regulate the use of the project; (e) limitations on the purpose to which the proceeds of the sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) 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) the manner of redemption of such bonds, and (i) insurance to be carried on the property acquired by the board.

5. The bonds, if the board so determines, may be issued under an indenture between the board and a trustee for bondholders in such form and containing such terms and provisions not inconsistent with this act, as the board may determine.

§ 15. Before any such bonds shall be issued or sold or exchanged, and before any such conveyance shall be made or property acquired, all proper and requisite authority for the issuance of such bonds shall be obtained from the Dominion of Canada. The Dominion of Canada may attach such conditions not inconsistent with this act with respect to the transfer of the properties, rights and franchises of the corporation situated within the Dominion of Canada as it may deem necessary.

§ 16. Subject to any contract with the holders of any bonds, the board shall have power at any time or from time to time

to issue new bonds in place of those then outstanding having like or different terms and secured by like or different provisions. Such bonds may be exchanged for outstanding bonds or may be sold and the proceeds applied to the payment of the outstanding bonds.

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

§ 18. The board shall have power, out of any funds available therefor, to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest.

§ 19. The bonds shall be a first lien on the real estate and bridge property of the Buffalo and Fort Erie Public Bridge Authority, including structures and approaches and lands and easements used therewith, except as to first mortgage bonds now outstanding against such real estate and property, and as to debenture bonds now outstanding.

§ 20. In the event that the board shall default in the payment of principal or of interest on any of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days or in the event that the board shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the trustee appointed in the indenture under which such bonds are issued, or if there be no indenture, then a trustee appointed by twenty-five per centum in face amount of bonds then outstanding, may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding, shall in his or its own name:

(a) By mandamus or other suit, action or proceeding in law or in equity, enforce all rights of the bondholders including the right to require the board to collect tolls and rentals adequate to carry out any agreement as to or pledge of such tolls and rentals and to require the board to carry out any other agreements with the bondholders and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity, require the board to act as if it were the trustee of an express trust for the bondholders;

(d) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

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

(f) To enforce any remedy by foreclosure or suit and the supreme court is hereby given jurisdiction of any suit, action or proceeding by the trustee on behalf of the bondholders, the venue of which shall be laid in the county of Erie and state of New York.

Any such trustee on default in the payment of principal and interest, whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the assets and property or any part or parts thereof and operate and maintain the same and collect and receive all tolls, rentals and other revenues thereafter arising therefrom, in the same manner as the board itself might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any tolls, rentals and other revenues derived from such assets. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

The foregoing remedies of the bondholders and of the trustee, however, are subject to the limitations that before declaring the principal of all bonds due and payable, the trustee shall first give notice in writing to the board and to the attorney-general of the state of New York, and if, when such notice is given to the attorney-general, the legislature shall be in session, the trustee shall not declare the principal of the bonds due before the legislature adjourns sine die or if the legislature be not then in session, the trustee shall not declare the principal of the bonds due until such an adjournment of the next regular session. If at such session the legislature shall take any action as a result of which past due principal and interest, with interest on past due interest, together with fees, counsel fees and expenses of the trustee and of the receiver, if any, as fixed by the court, shall be paid within sixty days of adjournment, default in the payment thereof shall thereby be remedied.

§ 21. The bonds and other obligations of the Buffalo and Fort Erie Public Bridge Authority shall not be a debt of the state of New York nor of the Dominion of Canada and neither the state of New York nor the Dominion of Canada shall be liable thereon nor shall they be payable out of any funds other than those of the Buffalo and Fort Erie Public Bridge Authority.

§ 22. The bonds are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions may properly and legally invest funds in their control or accept as security for deposits and all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, administrators, guardians, executors, trustees and other fiduciaries of the state may properly and legally invest funds in their control.

§ 23. Bonds and property to be tax exempt. The properties of the Buffalo and Fort Erie Public Bridge Authority shall be exempt from all taxes and assessments by the state or any municipality or municipal subdivision thereof and the bonds shall be exempt from taxation except for transfer, estate and inheritance taxes.

§ 24. The board, subject to the authority vested in the secretary of war of the United States and the authority of the Dominion of Canada, shall have power and be required to fix the rate of tolls for the use of the bridge, approaches, connections and appurtenances; provided, however, that the toll charges for pedestrian and vehicular traffic shall be discretionary and adjusted from time to time, but at a rate consistent with any contract with the holders of its bonds, and shall not be higher than, in the judgment of the board, is necessary to provide for the payment of interest, operating expenses, maintenance and insurance, repairs, replacements and proper working funds and to mature from two and one-half per centum to not more than ten per centum of the total outstanding bonds in any one year, except that no provision shall be made for the redemption of bonds issued by the board before January first, nineteen hundred thirty-seven.

§ 25. Within thirty days after the execution and delivery of the deeds of conveyance authorized by this act, the board shall execute and file with the comptroller of the state of New York and with such authority as the Dominion of Canada may designate, a detailed verified statement of the assets and liabilities of the corporation. The board annually in the month of February or oftener when required shall file with the comptroller of the state of New York and with such authorities of the Dominion of Canada as may be designated by the Dominion of Canada, an itemized detailed verified report of all receipts and disbursements of the corporation subsequent to the execution and delivery of the deeds of conveyance as authorized by this act.

§ 26. All moneys received by the Buffalo and Fort Erie Public Bridge Authority shall be paid to the treasurer thereof or other officer or officers designated by the board for the purpose. The treasurer and each other officer of the board receiving moneys of the Buffalo and Fort Erie Public Bridge Authority shall execute in duplicate an undertaking in such amount or amounts and with such sureties as may be approved by the comptroller of the state of New York, and by such authority as may be designated for the purpose by the Dominion of Canada, conditioned for the safe-keeping and lawful application of all moneys which may come to his hands, and shall file one copy in the office of the state department of audit and control and one copy in such office or department as may be designated by the Dominion of Canada. Such bond may be increased or reduced from time to time in the discretion of the comptroller and of such authority designated by the Dominion of Canada. The state treasurer and his legally authorized representatives and the state comptroller and his legally authorized representatives and such authority as may be designated by the Dominion of Canada are hereby authorized and empowered from time to time to examine the accounts and books of the board, including its receipts, disbursements, contracts, leases, sinking

funds, investments and any other matters relating to its financial standing.

§ 27. The following terms, whenever used, or referred to in this act, shall have the following meaning unless a different meaning clearly appears from the context:

1. The term "Buffalo and Fort Erie Public Bridge Authority" shall mean the corporation created by section one of this act.

2. The term "board" shall mean the members of the Buffalo and Fort Erie Public Bridge Authority.

3. The term "bridge" shall include terminals, approaches, buildings, rights, easements and privileges.

4. The term "bonds" shall mean bonds issued by the Buffalo and Fort Erie Public Bridge Authority pursuant to this act, except where reference is made to the bonds of Buffalo and Fort Erie Public Bridge Company.

5. The term "Buffalo and Fort Erie Public Bridge Company" and the term "Company" as used herein shall mean the Buffalo and Fort Erie Public Bridge Company which is a consolidation of a corporation organized under chapter three hundred and seventy-nine of the laws of nineteen hundred and twenty-two and a corporation authorized under thirteen and fourteen, George V. chapter seventy-four of the Parliament of the Dominion of Canada.

§ 28. If any section, clause or provision of this act shall be unconstitutional or be ineffective, in whole or in part, to the extent that it is not unconstitutional, it shall be valid and effective and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

§ 29. Insofar as the provisions of this act are inconsistent with the provisions of any other act, general or special, the provisions of this act shall be controlling.

§ 30. This act shall take effect immediately.

State of New York } *ss:*
Department of State }

*I hereby certify that I have compared the annexed copy with the original documents filed by the Department of
and that the same is a correct transcript of said original.*

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treacy

Secretary of State

AN ACT to amend chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers," generally

Became a law April 10, 1957, with the approval of the Governor. Passed, by a majority vote, three-fifths being present

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

Section 1. Chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers," is hereby amended to read as follows:

L. 1933,
Ch. 814,
Amended.

Section 1. Buffalo and Fort Erie Public Bridge Authority A board to be known as Buffalo and Fort Erie Public Bridge Authority is hereby created which shall be a body corporate and politic, constituting a public benefit corporation, to consist of [nine] ten members.

§ 2. The board shall constitute the municipal corporate instrumentality of the state of New York, for the purpose of carrying out the provisions of this act. The board is hereby authorized and empowered to act for and become the agency or instrumentality, corporate or otherwise, of [the Dominion of] Canada[,] with like duties and authority, or with such duties, powers, authority and purposes as may be determined by [the Dominion of] Canada with reference to the lands, bridges, terminals, approaches and properties within [the Dominion of] Canada connected with or usable with the property and assets authorized to be acquired and conveyed to the board hereunder and now constituting the property and assets of the Buffalo and Fort Erie Public Bridge Company.

§ 3. [Six] Five members of the board [who] shall be citizens of the United States and residents of the state of New York, two of whom shall be appointed [and may be removed] by the governor[,] with the advice and consent of the senate, subject to such qualifications and limitations as the state of New York may hereafter prescribe by law and three of whom, whose tenure of office shall commence on January first, nineteen hundred fifty-eight, shall be, the chairman of the Niagara Frontier Port Authority and the superintendent of public works and attorney general of the state of New York; [three] five members of the board, who shall be residents of [the Dominion of] Canada, shall be appointed, and may be removed, in such manner and at such time and may hold office for such period as may be determined by [the Dominion of] Canada. [Of the members first appointed by the governor, two shall be designated by him to serve for two years from the date of their appointments; two shall be designated by him to serve for four years from such date and two shall be designated by him to serve for six years from such date. Thereafter each member appointed by the governor shall serve for a term of six years from the date of his appointment.] On December thirty-first, nineteen hundred fifty-

seven, the terms of all incumbent members of the board theretofore appointed by the governor shall cease and determine, the two members most recently appointed or reappointed, however, to continue in office unless and until their appointive successors shall have been appointed and qualified, as hereinbefore provided. The terms of office of such two appointive successors shall commence on January first, nineteen hundred fifty-eight, and expire on December thirty-first, nineteen hundred fifty-nine; thereafter, the successors of such two members shall be appointed for terms commencing upon the January first following the expiration of the preceding terms and expiring on December thirty-first of the succeeding year. Said members and their successors shall continue in office until their successors shall have been appointed and qualified. Any member of the board may appoint a deputy in writing, subject to such limitations, if any, as the state of New York and Canada may prescribe by law in respect of members residing in New York and Canada, respectively, to attend any meeting of the board and act and vote in his place and stead.

§ 4. Vacancies in the board caused by the death, disqualification, resignation or removal of a member appointed by the governor shall be filled in the same manner as the original appointment for the remainder of the term of such member. [By appointment by the governor.] If a vacancy shall occur by reason of the death, disqualification, resignation or removal of a member who is a resident of [the Dominion of] Canada, the person appointed to fill such vacancy must be a resident of [the Dominion of] Canada and such appointment shall be made in the manner and by such authority as [the Dominion of] Canada may require.

§ 5. The members of the board shall serve without compensation, but the board shall have authority to compensate its members for expenses and disbursements from funds collected by it in the operation of properties acquired by it.

§ 6. The board shall appoint annually a chairman[,] and a vice-chairman, one from among the New York and one from among the Canadian members, both offices to be alternated annually between the New York and Canadian members, [or vice-chairmen.] a secretary, an assistant secretary, a treasurer, and an assistant treasurer, and may delegate to them such powers and duties as it may deem proper.

§ 7. The board may adopt such by-laws, rules and regulations for the calling and conduct of its meetings and the management of its affairs as it may deem necessary or proper, not inconsistent with the provisions of this act. A majority of the board shall constitute a quorum for the transaction of any business and the concurrence of a majority of the members of the board shall be necessary to the validity of any action by the board.

§ 8. The board may appoint agents and employees with such powers and duties as it may determine, and shall fix their compensation and pay the same out of any funds collected by it in the operation of properties acquired by it.

§ 9. The Buffalo and Fort Erie Public Bridge Authority shall have power:

[1.] (a) To sue and be sued.

[2.] (b) To have a seal and alter the same at pleasure.

[3.] (c) To acquire, hold and dispose of real and personal property for its corporate purposes.

[4.] (d) To make contracts and to execute all instruments necessary or convenient.

[5.] (e) To maintain, reconstruct, repair and replace and operate any properties acquired by it, and pay for the same out of [any] funds collected by it in the operation of properties acquired by it[,] and available therefor, as hereinafter provided.

[6.] (f) To do any other act or thing necessary or proper to carry out, accomplish or effectuate the purposes of this act.

§ 10. The board is authorized to lease and permit to be maintained under such lease, over or along the property acquired by it, telephone, telegraph or electric wires, cables, gas mains, water mains and other mechanical equipment, not inconsistent with the use of the property for vehicular and pedestrian traffic, on such terms and at such consideration as it shall determine, provided, however, that no lease shall be made for a period extending beyond the term of the existence of the board.

§ 11. *The acquisition by the authority of the assets and property of the Buffalo and Fort Erie Public Bridge Company is hereby ratified and confirmed.* [The board is hereby authorized to acquire title to all of the assets and property of the Buffalo and Fort Erie Public Bridge Company and to pay therefor a sum not exceeding the aggregate of

(a) The amount necessary to redeem bonds of such company issued and now outstanding;

(b) The amount necessary, not exceeding fifty thousand dollars and accrued dividends, to retire the capital stock of such company;

(c) The amount necessary to pay other indebtedness which such company is obligated to pay.

The Buffalo and Fort Erie Public Bridge Company is hereby authorized to transfer and convey to the board all of its assets and property.]

§ 12. The board is hereby authorized to accept deeds, bills of sale and other transfers deemed necessary or proper to transfer and convey to the board all of the assets and property of the Buffalo and Fort Erie Public Bridge Company and to hold the same, and all other properties constructed or acquired thereafter, under the provisions of this act, until such time as all of the bonds issued by the board hereunder shall have been paid in full or shall have otherwise been discharged[,] and thereafter until its powers, jurisdiction and duties shall cease in accordance with the provisions of this act.

§ 13. [When] On July first, nineteen hundred ninety-two, or when all of the bonds issued by the board hereunder shall have been paid in full or shall have otherwise been discharged, whichever shall be later, the powers, jurisdiction and duties of the board shall cease and the property and assets acquired and held by it within the state of New York shall thereafter be under such jurisdiction, authority or agency as [the legislature may designate] the state of New York may hereafter designate by law, and the assets and property acquired or held by it within [the Dominion of] Canada shall be under such jurisdiction, authority or agency as [the Dominion of] Canada may designate.

§ 14. [1.] (c) The Buffalo and Fort Erie Public Bridge Authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount of not exceeding at any one time four million dollars.

[2.] (b) The bonds and the indenture, if any, under which they are issued, shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, [except that no bonds shall mature before January first, nineteen hundred thirty-seven.] bear interest at such rate or rates not exceeding [five] six per centum per annum, payable semi-annually, be in such denominations, 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 of redemption, not exceeding a premium of one and one-half per centum as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices as the board shall determine, but at no greater discount than five per centum of the face amount thereof.

[3.] (c) The bonds may be issued for any corporate purpose of the Buffalo and Fort Erie Public Bridge Authority. [and, or may be exchanged for outstanding bonds or other indebtedness of the Buffalo and Fort Erie Public Bridge Company on such terms as may be agreed upon by the board and the holders and owners of such bonds and other indebtedness, except that the exchange price thereof shall not be greater in par value of bonds of the board than the redemption price of the bonds of such company under existing indentures and the face amount of such other indebtedness.]

[4.] (d) Any resolution or resolutions authorizing any bonds or any indenture authorizing the issuance of bonds may contain

provisions not inconsistent with this act which shall be a part of the contract with the holders of the bonds or part of the indenture as to (a) pledging the tolls and revenues of the properties to secure the payment of the bonds; (b) the rates of tolls to be charged and the amount to be raised in each year by tolls and the use and disposition of the tolls and other revenue; (c) the setting aside of reserves or sinking funds and the regulation or disposition thereof, provided that no requirement shall be made by which bonds are retired in excess of ten per centum of the total outstanding bonds in any one year; (d) limitations on the right of the board to restrict and regulate the use of the project; (e) limitations on the purpose to which the proceeds of the sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) 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) the manner of redemption of such bonds, and (i) insurance to be carried on the property acquired by the board.

[5.] (e) The bonds, if the board so determines, may be issued under an indenture between the board and a trustee for bondholders in such form and containing such terms and provisions not inconsistent with this act, as the board may determine.

§ 15. Before any such bonds shall be issued or sold or exchanged, and before any such conveyance shall be made or property acquired, all proper and requisite authority for the issuance of such bonds shall be obtained from the [Dominion] government of Canada. The [Dominion] government of Canada may attach such conditions not inconsistent with this act with respect to the transfer of the properties, rights and franchises of the corporation situated within [the Dominion of] Canada as it may deem necessary.

§ 16. Subject to any contract with the holders of any bonds, the board shall have power at any time or from time to time to issue new bonds in place of those then outstanding having like or different terms and secured by like or different provisions. Such bonds may be exchanged for outstanding bonds or may be sold and the proceeds applied to the payment of the outstanding bonds.

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

§ 18. The board shall have power, out of any funds available therefor, to purchase any bonds issued by it at a price not more than the principal amount thereof and the accrued interest [.] and a premium of one and one-half per centum.

§ 19. The bonds shall be a first lien on the real estate and bridge property of the Buffalo and Fort Erie Public Bridge Authority, including structures and approaches and lands and easements used therewith [except as to first mortgage bonds now outstanding against such real estate and property, and as to debenture bonds now outstanding].

§ 20. In the event that the board shall default in the payment of principal or of interest on any of the bonds after the same shall become due, whether at maturity or upon call for redemption, and such default shall continue for a period of thirty days or in the event that the board shall fail or refuse to comply with the provisions of this act or shall default in any agreement made with the holders of the bonds, the trustee appointed in the indenture under which such bonds are issued, or if there be no indenture, then a trustee appointed by twenty-five per centum in face amount of bonds then outstanding, may and upon written request of the holders of twenty-five per centum in principal amount of the bonds then outstanding, shall in his or its own name:

(a) By mandamus or other suit, action or proceeding in law or in equity, enforce all rights of the bondholders including the right to require the board to collect tolls and rentals adequate to carry out any agreement as to or pledge of such tolls and rentals and to require the board to carry out any other agreements with the bondholders and to perform its and their duties under this act;

(b) Bring suit upon the bonds;

(c) By action or suit in equity, require the board to act as if it were the trustee of an express trust for the bondholders;

(d) By action or suit in equity, enjoin any acts or things which may be unlawful or in violation of the rights of the bondholders;

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

(f) To enforce any remedy by foreclosure or suit and the supreme court is hereby given jurisdiction of any suit, action or proceeding by the trustee on behalf of the bondholders, the venue of which shall be laid in the county of Erie and state of New York.

Any such trustee on default in the payment of principal and interest, whether or not all bonds have been declared due and payable, shall be entitled as of right to the appointment of a receiver who may enter and take possession of the assets and property or any part or parts thereof and operate and maintain the same and collect and receive all tolls, rentals and other revenues thereafter arising therefrom, in the same manner as the board itself might do and shall deposit all such moneys in a separate account and apply the same in such manner as the court shall direct. In any suit, action or proceeding by the trustee the fees, counsel fees and expenses of the trustee and of the receiver, if any, shall constitute taxable disbursements and all costs and disbursements allowed by the court shall be a first charge on any tolls, rentals and other revenues derived from such assets. Such trustee shall, in addition to the foregoing, have and possess all of the powers necessary or appropriate for the exercise of any functions specifically set forth herein or incident to the general representation of the bondholders in the enforcement and protection of their rights.

The foregoing remedies of the bondholders and of the trustee, however, are subject to the limitations that before declaring the principal of all bonds due and payable, the trustee shall first give notice in writing to the board and to the attorney-general of the state of New York, and if, when such notice is given to the attorney-general, the legislature shall be in session, the trustee shall not declare the principal of the bonds due before the legislature adjourns sine die or if the legislature be not then in session, the trustee shall not declare the principal of the bonds due until such an adjournment of the next regular session. If at such session the legislature shall take any action as a result of which past due principal and interest, with interest on past due interest, together with fees, counsel fees and expenses of the trustee and of the receiver, if any, as fixed by the court, shall be paid within sixty days of adjournment, default in the payment thereof shall thereby be remedied.

§ 21. The bonds and other obligations of the Buffalo and Fort Erie Public Bridge Authority shall not be a debt of the state of New York, nor of the [Dominion] government of Canada and neither the state of New York nor the [Dominion] government of Canada shall be liable thereon nor shall they be payable out of any funds other than those of the Buffalo and Fort Erie Public Bridge Authority.

§ 22. The bonds are hereby made securities in which all public officers and bodies of this state and all municipalities and municipal subdivisions may properly and legally invest funds in their control or accept as security for deposits and all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, administrators, guardians, executors, trustees and other fiduciaries of the state may properly and legally invest funds in their control.

§ 23. Bonds and property to be tax exempt. The properties of the Buffalo and Fort Erie Public Bridge Authority shall be exempt from all taxes and assessments by the state or any municipality or municipal subdivision thereof and the bonds shall be exempt from taxation except for transfer, estate and inheritance taxes.

§ 24. The board, subject to the authority vested in the secretary of war of the United States and the appropriate Canadian authority [of the Dominion of Canada], shall have power and be required to fix the rate of tolls for the use of the bridge, approaches, connections and appurtenances; provided, however, that the toll charges for pedestrian and vehicular traffic shall be discretionary and adjusted from time to time, but at a rate consistent with any contract with the holders of its bonds, and shall [not] be [higher than] maintained at such rate as, in the judgment of the board, is necessary, allowing a reasonable margin of safety, to provide for the payment of interest on and retirement of any bonds or other obligations, operating expenses, maintenance and insurance, repairs, replacements and proper working funds and amounts hereinafter directed to be paid annually to the capital improvement reserves and level income reserve funds under the provisions of this act. [to mature from two and one-half per centum to not more than ten per centum of the total outstanding bonds in any one year, except that no provision shall be made for the redemption of bonds issued by the board before January first, nineteen hundred thirty-seven.] If at any time it shall appear to the board that the gross receipts of any fiscal year are or may be insufficient to make the payments required to be made therefrom under the provisions of this act, it shall take appropriate measures to adjust toll rates upward to the extent hereinafter required; and within sixty days after the end of any two consecutive fiscal years beginning on or after the date of payment or discharge of the lien of the last of the bonds dated May first, nineteen hundred forty-six, in each of which two years such gross receipts exceed the total of such payments required to be made therefrom under the provisions of this act by more than ten per centum, any upward adjustment in toll rates hereafter imposed shall be rescinded to such extent as the board may deem appropriate to avoid gross receipts in excess of said margin of ten per centum, and the board may in its discretion, in addition to rescinding any such increase or increases, reduce the toll charges below the rates in effect on the date this provision becomes effective, provided only that the reduced rates fixed shall be sufficient in the judgment of the board, allowing a reasonable margin of safety, to produce annual gross receipts adequate to meet all of the payments required to be made therefrom under the provisions of this act.

§ 25. [Within thirty days after the execution and delivery of the deeds of conveyance authorized by this act, the board shall execute and file with the comptroller of the state of New York and with such authority as the Dominion of Canada may designate, a detailed verified statement of the assets and liabilities of the corporation.] The board annually in the month of February or oftener when required shall file with the comptroller of the state of New York and with such authorities of the [Dominion] government of Canada as it may [be designated by the Dominion of Canada], designate an itemized detailed verified report of all receipts and disbursements and assets and liabilities of the corporation as of the close of the preceding fiscal year. [subsequent to the execution and delivery of the deeds of conveyance as authorized by this act.]

§ 26. All moneys received by the Buffalo and Fort Erie Public Bridge Authority shall be paid to the treasurer thereof or other officer or officers designated by the board for the purpose. The treasurer and each other officer of the board receiving moneys of the Buffalo and Fort Erie Public Bridge Authority shall execute in duplicate an undertaking in such amount or amounts and with such sureties as may be approved by the comptroller of the state of New York, and by such authority as may be designated for the purpose by the [Dominion] government of Canada, conditioned for the safe-keeping and lawful application of all moneys which

may come to his hands, and shall file one copy in the office of the state department of audit and control and one copy in such office or department as may be designated by the [Dominion] government of Canada. Such bond may be increased or reduced from time to time in the discretion of the comptroller and of such authority designated by the [Dominion] government of Canada. The state treasurer and his legally authorized representatives and the state comptroller and his legally authorized representatives and such authority as may be designated by the [Dominion] government of Canada are hereby authorized and empowered from time to time to examine the accounts and books of the board, including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing.

§ 27. Until all of the bonds of the authority heretofore issued and dated May first, nineteen hundred forty-six, shall have been paid or the lien thereof otherwise discharged in accordance with their terms and the provisions of the indenture securing the same, the gross receipts of the authority shall be applied in accordance with the contract between the authority and the bondholders and the provisions of the indenture securing said bonds, and any moneys available thereunder for the general corporate uses and purposes of the authority which are not devoted by it to capital replacements, reconstruction and improvements or to the redemption of bonds shall be paid annually into a level income reserve fund and shall be thereafter annually paid out of said fund in accordance with the provisions of paragraph twenty-nine (c) hereof.

§ 28. When the last of the bonds of the authority heretofore issued and dated May first, nineteen hundred forty-six, shall have been paid or redeemed, or the lien thereof otherwise discharged in accordance with the indenture securing the same, the authority shall make the following payments:

(a) to an operating expense reserve fund, an amount equal to one-sixth of the operating expenses of the preceding fiscal year, and in each fiscal year such amount as may be required to maintain such fund at said level plus the amount necessary to pay the operating expenses of the authority in such fiscal year;

(b) to a capital improvement reserve fund, an amount equal in each full fiscal year to fourteen per centum of the gross receipts of the previous fiscal year until the total in said fund undischarged shall equal forty per centum of the gross receipts of the preceding fiscal year and thereafter annually only such portion of the said amount as may be necessary to maintain said fund at said level; provided, however, that in the first full fiscal year the amount to be paid into the said fund shall be only seven per centum of the gross receipts of the previous fiscal year, the per centum amount of the gross receipts of the previous fiscal year to be increased for each succeeding fiscal year by one per centum until said seven per centum shall have been so increased to the fourteen per centum hereinbefore in this subdivision (b) provided; provided further, however, that the amount paid into the capital improvement reserve fund in any fiscal year pursuant to the provisions of this subdivision (b) shall in no event be greater than the excess, if any, of the net revenue of such fiscal year over the base net revenue.

(c) (i) To a level income reserve fund, in each full fiscal year, an amount equal to the base net revenue or, if it shall be greater, an amount equal to the net revenue of such full fiscal year less an amount equal to the amount directed to be paid in such full fiscal year to the capital improvement reserve fund;

(ii) To the extent that the net revenue of any fiscal year falls short of the base net revenue, the deficiency shall be charged against and paid from the capital improvement reserve fund until the adjustment in toll rates hereinabove provided for under such circumstances shall have produced revenues adequate once again to make the specified annual payments in full to all three funds; provided, however, that payment of any amounts so charged against the capital improvement reserve fund which would reduce the balance in said fund below fifteen per centum of the gross receipts of the previous fiscal year, shall be deferred until such adjustment in toll rates shall have made possible the payment of such amounts from said fund without reducing said fund below fifteen per centum of the gross receipts of the previous fiscal year.

§ 29. (a) All operating expenses of the authority shall be paid out of the operating expense reserve fund and, in addition to all other amounts properly payable therefrom, the authority is hereby authorized and directed to pay, as an operating expense, to the state of New York or to such agency or instrumentality as it may designate by law, an annual amount equal to such amount, if any, as it shall pay to any governmental entity or entities in Canada in taxes or assessments upon the real property held or managed by the authority in Canada;

(b) All capital replacements, reconstructions and improvements shall be paid for out of the capital improvement reserve fund, whether directly or by the application of the moneys in said fund from time to time to the payment of principal of and interest on bonds or other obligations issued to finance capital replacements, reconstructions or improvements;

(c) Within forty-five days after the close of each fiscal year, an amount equal to the amount hereinbefore directed to be paid into the level income reserve fund in the preceding fiscal year shall be paid out of the said level income reserve fund in equal shares, fifty per centum thereof to the government of Canada, and fifty per centum to the state of New York, or to such agencies or instrumentalities as they or either of them may from time to time, or for a fixed or indefinite period, respectively designate to receive the same.

§ [27.] 30. The following terms, whenever used, or referred to in this act, shall have the following meaning unless a different meaning clearly appears from the context:

[1.] (a) The term "Buffalo and Fort Erie Public Bridge Authority" shall mean the corporation created by section one of this act.

[2.] (b) The term "board" shall mean the members of the Buffalo and Fort Erie Public Bridge Authority.

[3.] (c) The term "bridge" shall include terminals, approaches, buildings, rights, easements and privileges.

[4.] (d) The term "bonds" shall mean bonds issued by the Buffalo and Fort Erie Public Bridge Authority pursuant to this act, except where reference is made to the bonds of Buffalo and Fort Erie Public Bridge Company.

[5.] (e) The term "Buffalo and Fort Erie Public Bridge Company" and the term "Company" as used herein shall mean the Buffalo and Fort Erie Public Bridge Company which is a consolidation of a corporation organized under chapter three hundred and seventy-nine of the laws of nineteen hundred and twenty-two and a corporation authorized under thirteen and fourteen, George V, chapter seventy-four of the Parliament [of the Dominion] of Canada.

(f) The term "operating expenses" shall mean necessary and proper expenditures for the operation, maintenance and repair of bridge facilities, including without limiting the generality of the foregoing, administrative expenses, insurance premiums, legal and engineering expenses, payments to pension, retirement, health and hospitalization and similar funds, any taxes, payments in lieu of taxes, governmental charges and other expenses required to be paid and directly and properly attributable to the operation of the bridge; "operating expenses" shall not include any provision for depreciation, amortization or similar charges or any costs or expenses for any construction or reconstruction other than normal maintenance and repairs necessary to maintain a condition of serviceability, but may include proper annual accruals to provide for payment of necessary operating expenditures of a periodic nature.

(g) The term "authority" shall mean the Buffalo and Fort Erie Public Bridge Authority.

(h) The term "the bonds" as used in section nineteen hereof, shall mean the bonds of the authority dated May first, nineteen hundred forty-six, and shall refer to bonds thereafter issued only if and to the extent that the board shall determine at the time of issuance of such bonds.

(i) The term "gross receipts" shall mean the cash receipts of the authority from all sources.

(j) The term "base net revenue" shall mean an amount of four hundred thousand dollars; the term "net revenue" shall mean the difference between the total of all receipts from all sources except interest or increment on the various funds of the authority and the total of all operating and non-operating expenditures (other than financial expenses, bond interest and retirement and amounts devoted to capital improvements).

(k) The term "bonds" shall mean and include notes or other obligations for the payment of money, whether secured or unsecured.

§ [29.] 31. If any section, clause or provision of this act shall be unconstitutional or be ineffective, in whole or in part, to the

extent that it is not unconstitutional, it shall be valid and effective, and no other section, clause or provision shall on account thereof be deemed invalid or ineffective.

§ [29.] 32. In so far as the provisions of this act are inconsistent with the provisions of any other act, general or special, the provisions of this act shall be controlling.

§ 2. This act shall take effect January first, nineteen hundred fifty-eight.

State of New York }
Department of State } SS:

I hereby certify that I have compared the annexed copy with the original documents filed by the Department and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Trea

Secretary of State

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

CHAPTER 659

AN ACT to amend chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers," in relation to authorizing said authority to regulate parking and control traffic

Became a law July 2, 1965, with the approval of the Governor. Passed by a majority vote, three-fifths being present

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

Section 1. Section seven of chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers," is hereby amended to read as follows:

§ 7. The board may adopt such by-laws, rules and regulations for the calling and conduct of its meetings and the management of its affairs, including rules and regulations for the regulation of the use of the project, as it may deem necessary or proper, not inconsistent with the provisions of this act. Violation of such rules and regulations promulgated pursuant to this section shall be an offense punishable by a fine not exceeding two hundred fifty dollars or by imprisonment not to exceed thirty days or by both such fine and imprisonment; except that the violation of any rule or regulation relating to the transportation of explosives class a or b shall be a misdemeanor, punishable by a fine not exceeding twenty-five hundred dollars or by imprisonment for a term not to exceed one year or by both such fine and imprisonment. Violations of any rule or regulation governing or regulating traffic on that portion of the bridge within the territorial limits of the United States of America shall be a traffic infraction as that is defined in the vehicle and traffic law of the state of New York and shall be punishable as such. A majority of the board shall constitute a quorum for the transaction of any business and the concurrence of a majority of the members of the board shall be necessary to the validity of any action by the board.

§ 2. This act shall take effect September first, nineteen hundred sixty-five.

State of New York }
Department of State } SS:

I hereby certify that I have compared the annexed copy with the original documents filed by the Department of State and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treadwell

Secretary of State

AN ACT to amend section three of chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers", in relation to the membership of the board of the Buffalo and Fort Erie Public Bridge Authority

Became a law April 3, 1963, with the approval of the Governor. Passed by a majority vote, three-fifths being present

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

Section 1. Section three of chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers", as amended by chapter two hundred fifty-nine of the laws of nineteen hundred fifty-seven, is hereby amended to read as follows:

§ 3. Five members of the board shall be citizens of the United States and residents of the state of New York, two of whom shall be appointed by the governor with the advice and consent of the senate, subject to such qualifications and limitations as the state of New York may hereafter prescribe by law and three of whom, whose tenure of office shall commence on January first, nineteen hundred fifty-eight, shall be [] the chairman of the Niagara Frontier [Port] Transportation Authority and the [superintendent of public works] commissioner of transportation and attorney general of the state of New York; five members of the board, who shall be residents of Canada, shall be appointed, and may be removed, in such manner and at such time and may hold office for such period as may be determined by Canada. On December thirty-first, nineteen hundred fifty-seven, the terms of all incumbent members of the board theretofore appointed by the governor shall cease and determine, the two members most recently appointed or reappointed, however, to continue in office unless and until their appointive successors shall have been appointed and qualified, as hereinbefore provided. The terms of office of such two appointive successors shall commence on January first, nineteen hundred fifty-eight, and expire on December thirty-first, nineteen hundred fifty-nine; thereafter, the successors of such two members shall be appointed for terms commencing upon the January first following the expiration of the preceding terms and expiring on December thirty-first of the succeeding year. Said members and their successors shall continue in office until their successors shall have been appointed and qualified. Any member of the board may appoint a deputy in writing, subject to such limitations, if any, as the state of New York and Canada may prescribe by law in respect of members residing in New York and Canada, respectively, to attend any meeting of the board and act and vote in his place and stead.

§ 2. This act shall take effect immediately.

State of New York } *ss:*
Department of State }

I hereby certify that I have compared the annexed copy with the original documents filed by the Department of State and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on

AUG 07 1995

Alexander F. Treadwell

Secretary of State

AN ACT to amend chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers", generally, in relation to enlarging the bridge under the jurisdiction of the authority and amending certain provisions thereof relating to reserve funds and payments to the state and Canada

Became a law May 3, 1970, with the approval of the Governor. Passed by a majority vote, three-fifths being present

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

Section 1. Sections five, nine, thirteen, fourteen, twenty-four, twenty-eight, twenty-nine and thirty of chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers," as amended by chapter two hundred fifty-nine of the laws of nineteen hundred fifty-seven, are hereby amended to read, respectively, as follows:

§ 5. [The members of the board shall serve without compensation, but] *Each member of the board shall be recompensed for attendance at meetings at a rate of one hundred dollars for each meeting attended but his annual rate shall not exceed ten thousand dollars and in addition the board shall have authority to compensate its members for expenses and disbursements from funds collected by it in the operation of properties acquired by it.*

§ 9. The Buffalo and Fort Erie Public Bridge Authority shall have power:

- (a) To sue and be sued.
- (b) To have a seal and alter the same at pleasure.
- (c) To acquire, hold and dispose of real and personal property for its corporate purposes.
- (d) To make contracts and to execute all instruments necessary or convenient.
- (e) To maintain, reconstruct, repair and replace and operate any properties acquired by it, and to enlarge the bridge heretofore constructed, together with such incidental structures as shall be necessary and convenient for approaches thereto, and pay for the same out of funds collected by it in the operation of properties acquired by it and available therefor, as hereinafter provided. The enlargement of such bridge shall not begin nor shall any property be acquired, until after the necessary consents and approvals of the state department of transportation, Canada and any political subdivision of the state whose property is to be acquired therefor. The state of New York hereby authorizes the commissioner of general services to consent, at his discretion, to the use and occupancy by the authority of any lands of the state of New York, necessary and convenient for the enlargement of such bridge and providing approaches thereto, upon such terms, conditions and consideration as the commissioner may deem appropriate.

(1) To do any other act or thing necessary or proper to carry out, accomplish or effectuate the purposes of this act.

§ 13. On July first, [nineteen hundred ninety-two,] two thousand and twenty or when all of the bonds issued by the board hereunder shall have been paid in full or shall have otherwise been discharged, whichever shall be later, the powers, jurisdiction and duties of the board shall cease and the property and assets acquired and held by it within the state of New York shall thereafter be under such jurisdiction, authority or agency as the state of New York may hereafter designate by law, and the assets and property acquired or held by it within Canada shall be under such jurisdiction, authority or agency as Canada may designate.

§ 14. (a) The Buffalo and Fort Erie Public Bridge Authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount of not exceeding at any one time [four] fifteen million dollars.

(b) The bonds and the indenture, if any, under which they are issued, shall be authorized by resolution of the board and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates [not exceeding six per centum per annum,] payable semi-annually, be in such denominations, 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 of redemption, [not exceeding a] including premium, if any, [of one and one-half per centum] as such resolution or resolutions may provide. The bonds may be sold at public or private sale for such price or prices, at such discount from par, if any, as the board shall determine, but at no greater discount than five per centum of the face amount thereof.

(c) The bonds may be issued for any corporate purpose of the Buffalo and Fort Erie Public Bridge Authority.

(d) Any resolution or resolutions authorizing any bonds or any indenture authorizing the issuance of bonds may contain provisions not inconsistent with this act which shall be a part of the contract with the holders of the bonds or part of the indenture as to (a) pledging the tolls and revenues of the properties to secure the payment of the bonds; (b) the rates of tolls to be charged and the amount to be raised in each year by tolls and the use and disposition of the tolls and other revenue; (c) the setting aside of reserves or sinking funds and the regulation or disposition thereof, provided that no requirement shall be made by which bonds are retired in excess of ten per centum of the total outstanding bonds in any one year; (d) limitations on the right of the board to restrict and regulate the use of the project; (e) limitations on the purpose to which the proceeds of the sale of any issue of bonds then or thereafter to be issued may be applied; (f) limitations on the issuance of additional bonds; (g) 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) the manner of redemption of such bonds, and (i) insurance to be carried on the property acquired by the board.

(e) The bonds, if the board so determines, may be issued under an indenture between the board and a trustee for bondholders in such form and containing such terms and provisions not inconsistent with this act, as the board may determine.

§ 24. The board, subject to the authority vested in the secretary of [war] transportation of the United States and the appropriate Canadian authority, shall have power and be required to fix the rate of tolls for the use of the bridge, approaches, connections and appurtenances; provided, however, that the toll charges for pedestrian and vehicular traffic shall be discretionary and adjusted from time to time, but at a rate consistent with any contract with the holders of its bonds, and shall be maintained at such rates as, in the judgment of the board, is necessary, allowing a reasonable margin of safety, to provide for the payment of interest on and retirement of any bonds or other obligations, operating expenses, maintenance and insurance, repairs, replacements and proper working funds and amounts hereinafter directed to be paid annually [to the capital improvement reserve and level income reserve funds] under the provisions of this act. If at any time it shall appear to the board that the gross receipts of any fiscal year are or may be insufficient to make the payments required to be made therefrom under the provisions of this act, it shall take appropriate measures to adjust toll rates upward to the extent [hereinbefore] required; and within sixty days after the end of any two consecutive fiscal years beginning on or after the date of payment or discharge of the lien of the last of the bonds dated May first, nineteen hundred forty-six, in each of which two years such gross receipts exceed

the total of such payments required to be made therefrom under the provisions of this act by more than ten per centum, any upward adjustment in toll rates hereafter imposed shall be rescinded to such extent as the board may deem appropriate to avoid gross receipts in excess of said margin of ten per centum, and the board may in its discretion, in addition to rescinding any such increase or increases, reduce the toll charges below the rates in effect on the date this provision becomes effective, provided only that the reduced rates fixed shall be sufficient in the judgment of the board, allowing a reasonable margin of safety, to produce annual gross receipts adequate to meet all of the payments required to be made therefrom under the provisions of this act].

§ 25. [When the last of the bonds of the authority heretofore issued and dated May first, nineteen hundred forty-six, shall have been paid or redeemed, or the lien thereof otherwise discharged in accordance with the indenture securing the same, the] The authority shall make the following payments in the following priority from the gross receipts of the authority in each fiscal year:

(a) to an operating expense reserve fund, an amount equal to one-sixth of the operating expenses of the preceding fiscal year, and in each fiscal year such amount as may be required to maintain such fund at said level plus the amount necessary to pay the operating expenses of the authority in such fiscal year;

(b) to the payment of the interest on its bonds outstanding from time to time together with such payment of the principal of such bonds as is required under the terms of the contract between the authority and the bond holders or the provisions of any indenture or resolution securing such bonds, but not the prepayment, purchase, redemption or retirement of such bonds other than as required under the provisions of the indenture or resolution securing such bonds;

(c) the sum of four hundred thousand dollars in equal shares, fifty per centum thereof to the government of Canada and fifty per centum to the state of New York or to such agencies or instrumentalities as they or either of them may from time to time, or for a fixed and indefinite period, respectively designate to receive the same. Payments under this paragraph shall be made within forty-five days of the close of the fiscal year to which the payment relates;

(d) to any proper corporate purpose of the authority including purchase or early retirement of its outstanding bonds.

[(b) to a capital improvement reserve fund, an amount equal in each full fiscal year to fourteen per centum of the gross receipts of the previous fiscal year until the total in said fund undisbursed shall equal forty per centum of the gross receipts of the preceding fiscal year and thereafter annually only such portion of the said amount as may be necessary to maintain said fund at said level; provided, however, that in the first full fiscal year the amount to be paid into the said fund shall be only seven per centum of the gross receipts of the previous fiscal year, the per centum amount of the gross receipts of the previous fiscal year to be increased for each succeeding fiscal year by one per centum until said seven per centum shall have been so increased to the fourteen per centum hereinbefore in this subdivision (b) provided; provided further, however, that the amount paid into the capital improvement reserve fund in any fiscal year pursuant to the provisions of this subdivision (b) shall in no event be greater than the excess, if any, of the net revenue of such fiscal year over the base net revenue.

(c)• (i) To a level income reserve fund, in each full fiscal year, an amount equal to the base net revenue or, if it shall be greater, an amount equal to the net revenue of such full fiscal year less an amount equal to the amount directed to be paid in such full fiscal year to the capital improvement reserve fund;

(ii) To the extent that the net revenue of any fiscal year falls short of the base net revenue, the deficiency shall be charged against and paid from the capital improvement reserve fund until the adjustment in toll rates hereinabove provided for under such circumstances shall have produced revenues adequate once again to make the specified annual payments in full to all three funds; provided, however, that payment of any amounts so charged against the capital improvement reserve fund which would reduce the balance in said fund below fifteen per centum of the gross receipts of the previous fiscal year, shall be deferred until such adjustment in toll rates shall have made possible the payment of such amounts from said fund without reducing said fund below fifteen per centum of the gross receipts of the previous fiscal year.]

§ 29. (a) All operating expenses of the authority shall be paid out of the operating expense reserve fund and, in addition to all other amounts properly payable therefrom, the authority is hereby authorized and directed to pay, as an operating expense, to the state of New York or to such agency or instrumentality as it may designate by law, an annual amount equal to such amount, if any, as it shall pay to any governmental entity or entities in Canada in taxes or assessments upon the real property held or managed by the authority in Canada;

[(b) All capital replacements, reconstructions and improvements shall be paid for out of the capital improvement reserve fund, whether directly or by the application of the moneys in said fund from time to time to the payment of principal of and interest on bonds or other obligations issued to finance capital replacements, reconstructions or improvements;

(c) [(b) Within forty-five days after the close of each fiscal year], an amount equal to the amount hereinbefore directed to be paid into the level income reserve fund in the preceding fiscal year shall be paid out of the said level income reserve fund in equal shares], the sum of four hundred thousand dollars shall be paid out in equal shares fifty per centum thereof to the government of Canada, and fifty per centum to the state of New York, or to such agencies or instrumentalities as they or either of them may from time to time, or for a fixed or indefinite period, respectively designate to receive the same. If in any year there is not sufficient net revenue to meet the four hundred thousand dollar payments any deficit arising therefrom shall be established as a liability on the books of the authority and the authority shall take such action to ensure that such deficit is liquidated the following year.

§ 30. The following terms, whenever used, or referred to in this act, shall have the following meaning unless a different meaning clearly appears from the context:

(a) The term "Buffalo and Fort Erie Public Bridge Authority" shall mean the corporation created by section one of this act.

(b) The term "board" shall mean the members of the Buffalo and Fort Erie Public Bridge Authority.

(c) The term "bridge" shall include terminals, approaches, buildings, rights, easements and privileges.

(d) The term "bonds" shall mean bonds issued by the Buffalo and Fort Erie Public Bridge Authority pursuant to this act, except where reference is made to the bonds of Buffalo and Fort Erie Public Bridge Company.

(e) The term "Buffalo and Fort Erie Public Bridge Company" and the term "Company" as used herein shall mean the Buffalo and Fort Erie Public Bridge Company which is a consolidation of a corporation organized under chapter three hundred and seventy-nine of the laws of nineteen hundred twenty-two and a corporation authorized under thirteen and fourteen, George V, chapter seventy-four of the Parliament of Canada.

(f) The term "operating expenses" shall mean necessary and proper expenditures for the operation, maintenance and repair of bridge facilities, including without limiting the generality of the foregoing, administrative expenses, insurance premiums, legal and engineering expenses, payments to pension, retirement, health and hospitalization and similar funds, any taxes, payments in lieu of taxes, governmental charges and other expenses required to be paid and directly and properly attributable to the operation of the bridge; "operating expenses" shall not include any provision for depreciation, amortization or similar charges or any costs or expenses for any construction or reconstruction other than normal maintenance and repairs necessary to maintain a condition of serviceability, but may include proper annual accruals to provide for payment of necessary operating expenditures of a periodic nature] *on bridges and buildings.*

(g) The term "authority" shall mean the Buffalo and Fort Erie Public Bridge Authority.

(h) The term "the bonds" as used in section nineteen hereof, shall mean the bonds of the authority dated May first, nineteen hundred forty-six, and shall refer to bonds thereafter issued only

if and to the extent that the board shall determine at the time of issuance of such bonds.

(i) The term "gross receipts" shall mean the cash receipts of the authority from all sources.

[(j) The term "base net revenue" shall mean an amount of four hundred thousand dollars; the term "net revenue" shall mean the difference between the total of all receipts from all sources except interest or increment on the various funds of the authority and the total of all operating and non-operating expenditures (other than financial expenses, bond interest and retirement and amounts devoted to capital improvements).

(k)] (j) The term "bonds" shall mean and include notes or other obligations for the payment of money, whether secured or unsecured.

§ 2. This act shall take effect on July first, nineteen hundred seventy.

State of New York } ss:
Department of State }

I hereby certify that I have compared the annexed copy with the original documents filed by the Department of State and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treadwell

Secretary of State

BUFFALO--FORT ERIE PUBLIC BRIDGE AUTHORITY--

COMPENSATION OF BOARD MEMBERS

AN ACT to amend chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers", in relation to compensation of the members of the board thereof

Approved and effective August 1, 1985.

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

Section 1. Section five of chapter eight hundred twenty-four of the laws of nineteen hundred thirty-three, entitled "An act creating Buffalo and Fort Erie Public Bridge Authority providing for its appointment and defining its jurisdiction, powers and duties; authorizing it to issue and sell or exchange its bonds and authorizing their use for certain purposes; authorizing it to acquire all the assets and property of the Buffalo and Fort Erie Public Bridge Company; authorizing it to maintain

§ 1

§ 1 and operate such property and assets and to charge tolls for the use thereof and to acquire other assets; authorizing it to exercise authority, powers and duties not inconsistent herewith, granted by the Dominion of Canada, and generally to define its purposes and to provide for the exercise of its powers", as amended by chapter six hundred forty-five of the laws of nineteen hundred seventy, is amended to read as follows:

§ 5. Each member of the board shall be recompensed for attendance at meetings at a rate of one hundred fifty dollars for each meeting attended but his annual rate shall not exceed ten thousand dollars and in addition the board shall have authority to compensate its members for expenses and disbursements from funds collected by it in the operation of properties acquired by it.

§ 2 § 2. This act shall take effect immediately

~~NOTE~~ Matter underlined or in italics is new; matter in brackets [] is old law

State of New York } ss:
Department of State }

I hereby certify that I have compared the annexed copy with the original documents filed by the Department of State and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treadwell

Secretary of State

TAX LAW--STATE FINANCE LAW--EXECUTIVE LAW--
 CIVIL PRACTICE LAW AND RULES--HIGHWAY LAW--
 PUBLIC AUTHORITIES LAW--PARKS, RECREATION AND HISTORIC
 PRESERVATION LAW--EDUCATION LAW--
 ENVIRONMENTAL CONSERVATION LAW--ENERGY LAW--ADDITIONAL
 CONSOLIDATED LAWS--INCREASE IN TAXES, FEES,
 CHARGES AND THE LIKE

AN ACT to amend the tax law, in relation to retaining in 1992 the personal income tax rates and standard deduction amounts in effect during the 1991 tax year and providing for the personal income tax rates, household credit and standard deduction amounts for tax years beginning after 1992; to amend the administrative code of the city of New York, in relation to retaining in 1992 the resident standard deduction amounts in effect during the 1991 tax year and providing for the standard deduction amounts for tax years beginning after 1992; to amend chapter 166 of the laws of 1991 amending the tax law relating to wage withholdings for personal income taxes, in relation to such withholdings and to repeal section 12 of chapter 410 of the laws of 1991 relating to wage withholdings for personal income taxes; and further in relation to extending certain business surcharge taxes; to amend chapter 298 of the laws of 1985, amending the tax law relating to the franchise tax on banking corporations imposed by the tax law, authorized to be imposed by any city having a population of one million or more by chapter 772 of the laws of 1986 and imposed by the administrative code of the city of New York and relating to other provisions of the tax law, chapter 88 of the laws of 1975 and the administrative code of the city of New York which relate to such franchise tax; to amend chapter 817 of the laws of 1987, amending the tax law and the environmental conservation law, constituting the business tax reform and rate reduction act of 1987; to amend chapter 523 of the laws of 1988, amending the tax law and the administrative code of the city of New York relating to the imposition of taxes in the city of New York, in relation to extending the provisions of such chapter 298 which are to terminate with respect to taxable years beginning on or after January 1, 1992 and in relation to so extending the provisions of such chapter 817 and such chapter 523 which relate to such franchise tax; to amend the tax law, in relation to the tax on petroleum businesses; to amend the tax law and the administrative code of the city of New York, in relation to the estimated tax provisions of the state and New York city personal income taxes with respect to certain higher income taxpayers, and to amend the tax law, in relation to the estimated provisions of the state franchise and certain business taxes, to conform to estimated tax provisions recently enacted for federal purposes; to amend chapter 276 of the laws of 1986, amending the tax law, the energy law and chapter 44 of the laws of 1985 relating to enhancing the enforcement of the taxes on motor fuel imposed by and pursuant to the authority of articles 12-A, 18 and 19 of the tax law, in relation to extending the effective date of certain provisions of such chapter; to amend the tax law, in relation to extending the temporary metropolitan business tax surcharge; to amend the tax law, in relation to requiring certain taxpayers to make payments of tax by electronic funds transfer; to amend the tax law, in relation to granting authority to the commissioner of taxation and finance to remit, abate or waive penalties for reasonable cause and to provide for the repeal of certain provisions upon expiration thereof; to amend the state finance law, in relation to the assessment of interest or a late payment and/or a collection charge on debt due and owed to the state of New York, in relation to instituting a returned check charge for checks remitted to the state of New York which are returned or dishonored for insufficient funds; to amend the state finance law, in relation to establishing the revenue arrears account; to amend the executive law, in relation to providing the heads of New York state agencies with the authority not to renew the licenses, permits, or certificates of qualification, authority, and operation, of those individuals or businesses who have failed to

resolve outstanding fees, civil fines, or penalties assessed by such agencies; to amend the civil practice law and rules, in relation to recovery of interest because of the imposition of a civil penalty; to amend the tax law, the administrative code of the city of New York and the codes and ordinances of the city of Yonkers, in relation to crediting certain overpayments against outstanding debts owed to the state of New York and providing for the repeal of certain provisions upon the expiration thereof; to amend the tax law, in relation to the state insurance funds; to amend the highway law, the public authorities law, the tax law and the state finance law, in relation to the issuance of emergency highway construction and reconstruction and reconditioning and preservation bonds and notes by the New York state thruway authority; to amend chapter 211 of the laws of 1990, relating to financing of the division for youth facilities improvement fund and youth centers facility fund, in relation to appropriations for construction and repair of certain state facilities; to amend the public authorities law, in relation to authorizing the New York state environmental facilities corporation to participate in the rehabilitation, preservation and improvement of state park facilities and to amend the state finance law, in relation to establishing a fund to receive and disburse moneys in relation thereto; to amend the parks, recreation and historic preservation law, in relation to authorizing the entering into contracts with not-for-profit corporations; to amend the education law, the environmental conservation law, the executive law, the facilities development corporation act, the general business law, the judiciary law, the labor law, the New York state project finance agency act, the New York state urban development corporation act, the private housing finance law, the public authorities law, the soil and water conservation districts law, the transportation law, chapter 197 of the laws of 1985, relating to the Albany port district commission, chapter 379 of the laws of 1984, relating to the Roosevelt Island operating corporation, the economic development law, the insurance law, the mental hygiene law, the parks, recreation and historic preservation law, the public health law, the retirement and social security law and the vehicle and traffic law, in relation to the compensation of chairpersons and members of boards, commissions, and similar entities and to repeal certain provisions of the education law, the energy law, the environmental conservation law, the executive law, the insurance law, the labor law, the mental hygiene law, the parks, recreation and historic preservation law, the public health law, the retirement and social security law, the vehicle and traffic law, chapter 200 of the laws of 1981, relating to combatting litter and solid waste and to repeal chapter 354 of the laws of 1983, relating to establishing the Long Island regional ashfill board, relating thereto; to amend the public authorities law, in relation to the Western New York Nuclear Service Center; to amend chapter 383 of the laws of 1988, relating to the temporary state commission of investigation, in relation to extending the provisions of such chapter and the existence of such commission until April 30, 1994; to amend the public authorities law, in relation to the bonding authority of the environmental facilities corporation; to amend the environmental conservation law and the public authorities law, in relation to flood insurance, the state solid waste management plan, the water pollution control revolving fund and the board of operating requirements, and repealing certain provisions of the environmental conservation law relating thereto; to amend the economic development law and the executive law, in relation to providing for the transfer of functions of the office of minority and women's business development to the department of economic development; to amend the criminal procedure law, in relation to deferral of sentencing for certain indeterminate terms; to amend the correction law, in relation to continuing alcohol and substance abuse treatment for certain inmates; to amend the correction law, in relation to compensation for the citizens policy and complaint review council; to amend the penal law, the executive law and the social services law, in relation to release on medical parole for terminally ill inmates; to amend the correction law and the executive law, in relation to defining eligible inmates for participation in the shock incarceration program; to amend the executive law, in relation to limiting certain benefits for crime victims made by the New York state crime victims board; to amend chapter 56 of the laws of 1988, relating to authorizing the New York state urban development corporation to finance and participate in the development of correctional facilities, in relation to prison projects to be bonded by the corporation; to amend the correction law, in relation to provision of cash to inmates released from a correctional facility; to amend the private housing finance law, in relation to bonds and notes; directing certain contracts to contain provision for apprenticesable skill trade occupations; requiring reports on the progress of the consolidation of the division of alcoholism and alcohol abuse and the division of substance abuse services, the nature of division contracts and third party revenue maximization initiatives; directing coordination of a work force

management plan for each state agency; directing reports on the status of the provision of services under the New York/New York Housing and Support Program for the Homeless Mentally Ill; directing submission of a report outlining the status of current clozapine treatment for certain inpatients; directing the office of mental health to begin development of community residential or supportive housing beds; directing use of federal share of medical assistance for family based treatment programs to supplement existing appropriations; directs a report on supported work programs by the office of mental health; creates a task force representative of providers and consumers of family support services to study transportative issues relative to such services; directs establishment of new residential beds and day sites for individuals living at home by the office of mental retardation and developmental disabilities; declares legislative support for the privatization of NY-SCAN; conditions payment of certain advance appropriations upon the federal secretary of transportation has ruled on an application seeking maximum possible waiver of federal fund repayment; allows for reappropriated funds to the department of transportation for rail freight be allocated for the removal of certain south Buffalo railroad track; requires certain reports from city university relating to various programs; to amend chapter 817 of the laws of 1988 amending the correction law relating to the psychological testing of candidates, chapter 261 of the laws of 1987 amending chapters 30, 33 and 34 of the laws of 1987, the correction law and other laws relating to correctional facilities, chapter 333 of the laws of 1972 amending the correction law and the penal law relating to inmate work release, furlough and leave, chapter 354 of the laws of 1986 amending the correction law and the penal law relating to community treatment facilities, chapter 79 of the laws of 1989 amending the correction law and other laws relating to release and supervision of persons serving a definite sentence, chapter 711 of the laws of 1987 amending the executive law, relating to creating a witness protection program in the division of criminal justice services, chapter 907 of the laws of 1984 amending the correction law, the New York city criminal court act, the executive law relating to prison and jail housing and alternatives to detention and incarceration programs and chapter 661 of the laws of 1988 amending the correction law and the penal law relating to the placement of detainees in New York city jails in certain programs, in relation to extending the effective dates of such chapters; to amend chapter 409 of the laws of 1991, relating to the submission of certain reports and written plans by certain state departments, in relation to reports by the AIDS Institute; to amend chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, in relation to deposition of certain fees and charges; directs submission of a report on Roosevelt Park Memorial Institute; requires quarterly reports by the department of health relating to food and nutrition services; to amend the education law, in relation to college opportunity to prepare for employment; to amend the state finance law and the public authorities law, in relation to the payment of municipal assistance state aid to cities for which a municipal assistance corporation has been created under article 10 of the public authorities law; to amend the labor law, in relation to appointments to the employment relations board; to amend the public authorities law, in relation to authorizing the New York state territory authority to issue obligations to refund or otherwise repay certain bonds, notes or other obligations; to amend chapter 41 of the laws of 1990 relating to authorizing and directing the transfer of hazardous waste remedial fund industry fee transfer account balances and receipts to the general fund and to amend the state finance law, in relation to industry fee surcharges and the calculations relating thereto; to amend the parks, recreation and historic preservation law, the penal law and the criminal procedure law, in relation to establishing a mandatory surcharge for violations thereof; to amend the alcoholic beverage control law, in relation to increasing certain beer, wine and alcoholic beverage license fees; to amend the state finance law, in relation to fees to be deposited in the transportation safety account and to amend the vehicle and traffic law, in relation to the establishment of various fees; to amend the public authorities law, in relation to savings realized by public authorities from a change in actuarial funding method of the New York state and local employees' retirement system and providing for the repeal of such provision upon the expiration thereof; to amend the public authorities law, in relation to the recovery of allocable governmental costs from public authorities; to amend the vehicle and traffic law, in relation to the issuance of distinctive regional design plates; to amend the vehicle and traffic law, in relation to increases in certain vehicle registration fees; to amend the vehicle and traffic law, in relation to the dedication of certain registration fees to the highway and bridge trust fund and to repeal subdivision 11 of section 401 of the vehicle and traffic law relating thereto; to

amend the law in relation to the imposition of a fee on paging devices; to amend the agriculture and markets law, in relation to plant nursery and dealer registration fees, promoting nursery research and development, extending the licensing of food establishments and establishing a graduated fee structure therefor; to amend the executive law, in relation to fees for supervision by the division of parole; to amend the executive law and the family court act, in relation to establishment of a probation administrative fee and providing for the repeal of such provisions upon expiration thereof; to amend the vehicle and traffic law, in relation to assessing a crime victim assistance fee in cases involving driving while intoxicated; to amend the insurance law, in relation to establishing a motor vehicle law enforcement fee in this state and the state finance law, in relation to establishing a motor vehicle law enforcement fund and a state police motor vehicle law enforcement account; to amend the social services law, in relation to fees for employment screenings against the statewide central register of child abuse and maltreatment; to amend the civil practice law and rules, in relation to making a share of punitive damage awards in civil actions payable to the state and providing for the repeal of such provisions upon the expiration thereof; to amend the civil practice law and rules, in relation to filing fees for the filing of a summons; and to authorize the commissioner of general services to competitively bid the Sheridan avenue steam plant facility to qualified vendors and to amend the public authorities law, in relation to acquisition by the power authority of the state of New York of certain steam generating facilities owned by the state; to amend the vehicle and traffic law, in relation to drivers' licenses fees; to amend the business corporation law, in relation to requiring the filing of a report; to amend the civil practice law and rules, in relation to fixed fees of sheriffs; to amend the insurance law, in relation to transfers from the medical malpractice insurance association; to amend the tax law, in relation to authorizing the commissioner of taxation and finance to delegate certain sales tax compliance powers to the county executives of Nassau and Suffolk counties.

Approved April 10, 1992, effective as provided in § 427.

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

§ 232-a. Section 5 of chapter 824 of the laws of 1983, relating to the Buffalo and Fort Erie bridge authority, as amended by chapter 781 of the laws of 1985, is amended to read as follows:

§ 5. Each member of the board shall be recompensed for attendance at meetings at a rate of one hundred fifty dollars for each meeting attended but (his) each annual rate shall not exceed ten thousand dollars and in addition the board shall have authority to compensate its members for expenses and disbursements from funds collected by it in the operation of properties acquired by it except for state of New York members who shall not receive a salary or other compensation, but shall be reimbursed for actual and necessary expenses.

ATTORNEY - Matter underlined or in italics is new; matter in brackets [] is old law.

State of New York } ss:
Department of State }

I hereby certify that I have compared the annexed copy with the original documents filed by the Department of State and that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treadwell

Secretary of State

BUFFALO AND FORT ERIE PUBLIC BRIDGE AUTHORITY--

BONDING LIMITATIONS--INCREASE

AN ACT to amend chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, in relation to increasing the bonding limitations of such authority and providing for an equal employment opportunity program and a minority and women-owned business enterprise program

Approved and effective August 4, 1993.

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

Section 1. Subdivision (a) of section 14 of chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 645 of the laws of 1970, is amended to read as follows: S 1

(a) (i) The Buffalo and Fort Erie Public Bridge Authority shall have power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount of not exceeding at any one time fifteen million dollars, excluding negotiable bonds issued to refund or otherwise repay its negotiable bonds theretofore issued for such purposes; provided, however, that upon any such refunding or repayment the aggregate principal amount of outstanding bonds may be greater than fifteen million dollars only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds and of the aggregate debt service of the bonds so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds from the payment dates thereof to the date of issue of the refunding or repayment bonds and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof.

S 1 (ii) The authority shall also have the power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount not to exceed eighty-five million dollars, excluding negotiable bonds issued to refund or otherwise repay its negotiable bonds theretofore issued for such purposes; provided, however, that upon any such refunding or repayment the aggregate principal amount of outstanding bonds may be greater than eighty-five million dollars only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds and of the aggregate debt service of the bonds so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds from the payment dates thereof to the date of issue of the refunding or repayment bonds and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof.

Chapter 814 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority is amended by adding two new sections 9-a and 9-b to read as follows:

§ 9-a. Equal employment opportunity program. All contracts for design, construction, services and materials pursuant to this act of whatever nature, but excluding contracts to be performed other than in the state of New York, and all documents soliciting bids or proposals therefor shall contain or make reference to the following provisions:

1. The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group persons and women are afforded equal opportunity without discrimination. Such programs shall include, but not be limited to, recruitment, employment, job assignments, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay or other forms of compensation, and selections for training or retraining, including apprenticeship and on-the-job training.

2. At the request of the authority, the contractor shall request each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding and which is involved in the performance of the contract with the authority to furnish a written statement that such employment agency, labor union or representative shall not discriminate because of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will cooperate in the implementation of the contractor's obligations hereunder.

3. The contractor will state, in all solicitations or advertisements for employees placed by or on behalf of the contractor in the performance of the contract with the authority, that all qualified applicants will be afforded equal employment opportunity without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

4. The contractor will include the provisions of subdivisions one through three of this section in every subcontract or purchase order in such a manner that such provisions will be binding upon each subcontractor or vendor as to its work in connection with the contract with the authority.

5. The authority shall establish procedures and guidelines to ensure that contractors and subcontractors undertake programs of affirmative action and equal employment opportunity as required by this section. Such procedures may require after notice in a bid solicitation, the submission of an affirmative action program prior to the award of any contract, or at any time thereafter, and may require the submission of compliance reports relating to the operation and implementation of any affirmative action program adopted hereunder. The authority may take appropriate action including contractual sanctions for non-compliance to effectuate the provisions of this section and shall be responsible for monitoring compliance with this section.

§ 9-b. Minority and women-owned business enterprise program. 1. (a) In the performance of projects within the state of New York pursuant to this act minority and women-owned business enterprises shall be given the opportunity for meaningful participation. The authority shall establish measures and procedures to secure meaningful participation and identify those contracts and items of work for which minority and women-owned business enterprises may best bid to actively and affirmatively

promote and assist their participation in the projects, so as to facilitate the award of a fair share of contracts to such enterprises; provided, however, that nothing in this act shall be construed to limit the ability of the authority to assure that qualified minority and women-owned business enterprises may participate in the program. For purposes hereof, minority business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are Black, Hispanic, Asian or American Indian, Pacific Islander or Alaskan natives and such ownership interest is real, substantial and continuing and have the authority to independently control the day-to-day business decisions of the entity; and women-owned business enterprise shall mean any business enterprise which is at least fifty-one per centum owned by, or in the case of a publicly owned business, at least fifty-one per centum of the stock of which is owned by citizens or permanent resident aliens who are women, and such ownership interest is real, substantial and continuing and have the authority to independently control the day-to-day business decisions of the entity.

The provisions of this paragraph shall not be construed to limit the ability of any minority or women-owned business enterprise to bid on any contract.

(b) In the implementation of this section, the authority shall consider compliance by any contractor with the requirements of any federal, state, or local law concerning minority and women-owned business enterprises, which may effectuate the requirements of this section. If the authority determines that by virtue of the imposition of the requirements of any such law, in respect to project contracts, the provisions thereof duplicate or conflict with this section, the authority may waive the applicability of this section to the extent of such duplication or conflict.

(c) Nothing in this section shall be deemed to require that overall state and federal requirements for participation of minority and women-owned business enterprises in programs authorized under this act be applied without regard to local circumstances to all projects or in all communities or any contract to be performed in Canada.

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2. In order to implement the requirements and objectives of this section, the authority shall establish procedures to monitor the contractors' compliance with provisions hereof, provide assistance in obtaining minority and women-owned business enterprises to perform contracts proposed to be awarded, and take other appropriate measures to improve the access of minority and women-owned business enterprises to these contracts.

5 J. This act shall take effect immediately.

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ate of New York }
Department of State } ss:

by certify that I have compared the annexed copy with the original documents filed by the Department of State that the same is a correct transcript of said original.

Witness my hand and seal of the Department of State on AUG 07 1995

Alexander F. Treadwell

Secretary of State

Ch. 661, Sec. 22

LAWS OF NEW YORK

1997

~~27-11(b) of the federal Public Health Service Act, 42 U.S.C. § 300gg-11(b), impose any pre-existing condition exclusion.~~

~~§ 23. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 1997 and sections two through nine, eleven, thirteen through twenty, and twenty-two of this act shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.~~

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BUFFALO AND FORT ERIE PUBLIC BRIDGE
AUTHORITY—BRIDGE CONSTRUCTION

CHAPTER 662

S. 5517

Approved and effective Sept. 24, 1997

AN ACT to amend chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, in relating to authorizing construction of an additional bridge

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

§ 1. Paragraph (e) of section 9 of chapter 824 of the laws of 1933 relating to the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 645 of the laws of 1970, is amended to read as follows:

(e) To maintain, reconstruct, repair and replace and operate any properties acquired by it, and to enlarge the bridge heretofore constructed, and to construct an additional, independent and adjacent bridge, together with such incidental¹ structures as shall be necessary and convenient for approaches thereto, and pay for the same out of funds collected by it in the operation of properties acquired by it and available therefore, as hereinafter provided. The enlargement of such bridge or the construction of such additional bridge shall not begin nor shall apply any property be acquired, until after the necessary consents and approvals of the state department of transportation, Canada and any political subdivision of the state whose property is to be acquired therefor. The state of New York hereby authorizes the commissioner of general services to consent, at his discretion, to the use and occupancy by the authority of any lands of the state of New York, necessary and convenient for the enlargement of such bridge or the construction of such additional bridge and providing approaches thereto, upon such terms, conditions and consideration as the commissioner may deem appropriate.

¹ So in original.

§ 2. Paragraph (ii) of subdivision (a) of section 14 of chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 612 of the laws of 1993, is amended to read as follows:

(ii) The authority shall also have the power and is hereby authorized from time to time to issue its negotiable bonds in the aggregate principal amount not to exceed ~~eighty-five million dollars~~ one hundred fifty million dollars, excluding negotiable bonds issued to refund or otherwise repay its negotiable bonds theretofore issued for such purposes; provided, however, that upon any such refunding or repayment the aggregate principal amount of outstanding bonds may be greater than ~~eighty-five million dollars~~ one hundred fifty million dollars only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds so to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds and of the aggregate debt service of the bonds so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or

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Additions are indicated by underline; deletions by ~~strikeout~~

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upon any pre-

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repayment bonds, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds from the payment dates thereof to the date of issue of the refunding or repayment bonds and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof.

§ 3. Subdivision (c) of section 28 of chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 645 of the laws of 1970, is amended to read as follows:

(c) the sum of ~~four two hundred thousand dollars in equal shares, fifty per centum thereof to the government of Canada and fifty per centum~~ to the state of New York or to such agencies or instrumentalities as they or either of them it may from time to time, or for a fixed and indefinite period, respectively designate to receive the same. Payments under this paragraph shall be made within forty-five days of the close of the fiscal year to which the payment relates;

§ 4. Subdivision (b) of section 29 of chapter 524 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 645 of the laws of 1970, is amended to read as follows:

(b) Within forty-five days after the close of each fiscal year, the sum of ~~four two hundred thousand dollars shall be paid out in equal shares fifty per centum thereof to the government of Canada, and fifty per centum~~ to the state of New York, or to such agencies or instrumentalities as they or either of them it may from time to time, or for a fixed or indefinite period, respectively designate to receive the same. If in any year there is not sufficient net revenue to meet the ~~four two hundred thousand dollar~~ payments any deficit arising therefrom shall be established as a liability on the books of the authority and the authority shall take such action to ensure that such deficit is liquidated the following year.

§ 5. This act shall take effect immediately.

~~NATURALLY OCCURRING RETIREMENT COMMUNITY SUPPORTING SERVICE PROGRAM-EXTENSION~~

~~CHAPTER 663~~

~~S. 5531~~

~~Approved and effective Sept. 21, 1997~~

~~AN ACT to amend section 564 of chapter 170 of the laws of 1994 amending the executive law relating to creating a naturally occurring retirement community supportive service program and providing for the repeal of such provisions upon expiration thereof, in relation to extending until December 31, 1999 the effectiveness of certain legislative findings and section 536-g of the executive law relating to the creation of such program~~

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

~~§ 1. Subdivision 51 of section 564 of chapter 170 of the laws of 1994 amending the executive law relating to creating a naturally occurring retirement community supportive service program and providing for the repeal of such provisions upon expiration thereof is amended to read as follows.~~

~~51. The provisions of sections four hundred ten and four hundred eleven of this act shall expire and be deemed repealed December 31, 1997 1999.~~

~~§ 2. This act shall take effect immediately.~~

~~Additions are indicated by underline; deletions by strikethrough~~

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AN ACT to amend chapter 824 of the laws of 1933 relating to creating the Buffalo and Fort Erie Public Bridge Authority, in relation to the powers of such authority to acquire real property

Became a law July 27, 2004, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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

Section 1. Legislative findings. The legislature hereby finds and declares that it is in the interests of the state, of western New York, of the county of Erie, of the city of Buffalo and of the surrounding communities that a capacity expansion project (the "project") be undertaken by the Buffalo and Fort Erie Public Bridge Authority (the "authority") The legislature further finds and declares that:

1. the project would enhance the historic friendly relations between the great peoples of Canada and the United States; and

2. the project has the potential to be constructed and operated consistent with the well being of the communities immediately surrounding such project; and

3. the project has the potential to bring improved economic, social and environmental conditions to the affected communities; and

4. the discussions and actions taken by the city of Buffalo and the authority with respect to existing and future payments made by the authority to the city, and the fair and just compensation and relocation within the city of those affected by the project and the cooperation of residents of the affected communities in such discussions and actions, are to be commended and are critical to the future progress of the project; and

5. the cooperation of all levels of government, as exhibited in the preparation and advancement of this act, are similarly essential and critical to the success of the project. Finally, the legislature finds and declares that in order to accomplish such goals and purpose, the authority requires such additional eminent domain powers as are contained in this act.

§ 2. Subdivision (e) of section 9 of chapter 824 of the laws of 1933, relating to creating the Buffalo and Fort Erie Public Bridge Authority, as amended by chapter 662 of the laws of 1997, is amended to read as follows:

(e) To maintain, reconstruct, repair, and replace and operate any properties, roadways, approaches, or structures owned or acquired by it, to enlarge the bridge heretofore constructed, and to construct an additional, independent and adjacent bridge, together with such [~~incidental~~] incidental structures as shall be necessary [~~and~~] and/or convenient for approaches thereto, and pay for the same out of funds collected by it in the operation of properties now owned or hereafter acquired by it and available [~~therefore~~] therefor, as hereinafter provided, or as otherwise received by it from any source and so available; and, in addi-

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

tion, to expand, enlarge, or replace the bridge heretofore constructed and/or to construct an additional, separate, or adjacent bridge, and pay for the same out of funds collected by it in the operation of properties now owned or hereafter acquired by it and available therefor as hereinafter provided, or as otherwise received by it from any source and so available. The expansion, enlargement, or replacement of [such] the presently existing bridge [or] and/or the construction of such additional bridge shall not begin [nor shall apply any property be acquired,] until after [the] any and all necessary consents and approvals [of] have been obtained from the [state department] commissioner of transportation[.] and Transport Canada or the province of Ontario, and any political subdivision of the state whose property is to be acquired therefor, as the case may be. The state of New York hereby authorizes the commissioner of general services, at his or her discretion, to consent [at his discretion,] to the use and occupancy by the authority of any lands of the state of New York, necessary and convenient for the expansion, enlargement, or replacement of [such] the existing bridge or the construction of such additional bridge [and providing], roadways, approaches [thereto], and other related structures, upon such terms, conditions, and consideration as the commissioner may deem appropriate.

§ 3. Chapter 824 of the laws of 1933, relating to creating the Buffalo and Fort Erie Public Bridge Authority, is amended by adding a new section 9-c to read as follows:

§ 9-c. (a) For the purposes of this section, the following terms shall have the following meanings:

(i) "Consultation with the political subdivision" shall mean a procedure designed to afford to the government and the public of the city of Buffalo or such other political subdivision in which the project or any portion thereof shall be located adequate notice of and opportunity to comment on, or, if so agreed between a city or other political subdivision and the authority, to approve proposals at critical points in the project development process. Such procedure may be established in a written agreement executed on behalf of the authority and a city or other political subdivision and in the case of the city of Buffalo shall be as set forth in a written agreement by and between the Buffalo and Fort Erie Public Bridge Authority and such government dated January 29, 2003.

(ii) "Preferred project alternative" shall mean the overall design of the project selected after a record of decision is issued by the United States federal highway administration in connection with the Peace Bridge Expansion Project Bi-National Integrated Environmental Process commenced on October 9, 2001, after it shall have been submitted for public comment and adopted with or without amendment.

(iii) "Project" shall mean the process to expand the capacity of the bridge now owned and operated by the Buffalo and Fort Erie Public Bridge Authority, known as the Peace Bridge, whether by expanding, enlarging, or replacing such Peace Bridge or by constructing an additional, separate, adjacent or replacement bridge, and shall include all work to design such expansion, to obtain all necessary governmental approvals, to acquire the necessary property, and to construct, maintain, operate, improve and reconstruct such capacity expansion facilities.

(iv) "Record of decision" shall mean the document, with all attachments, issued by the United States federal highway administration in connection with the Peace Bridge Expansion Project Bi-National Inte-

grated Environmental Process commenced on October 9, 2001, to evidence

its decision in the matter.

(b) For the purposes of implementing the powers granted in subdivision (e) of section 9 of this chapter, and not in expansion of such authority, the Buffalo and Fort Erie Public Bridge Authority is authorized, after the receipt of any and all necessary consents and approvals of the commissioner of the state department of transportation, Transport Canada and any political subdivision of the state whose property is to be acquired, as the case may be, and consultation with the political subdivision in which the project or any part thereof is to be undertaken as the case may be, to acquire, by purchase, grant, or gift, or by condemnation pursuant to the eminent domain procedure law, real property which is identified by and necessary to implement the preferred project alternative which is to be the subject of a record of decision. Such power of the Buffalo and Fort Erie Public Bridge Authority to acquire real property shall include all interests in such property, whether privately owned or publicly held, as shall be necessary to implement the preferred project alternative.

(c) Notwithstanding any other provision of law, any and all site development, construction, demolition, or redevelopment of any plaza, structure, and/or roadway project that is required by the preferred project alternative, and involves construction, demolition, or redevelopment of any structure or roadway that is within the city of Buffalo, and outside the boundaries of the operations of the Buffalo and Fort Erie Public Bridge Authority existing at the time of the enactment of this section into law shall comply with the site plan review ordinance of the city of Buffalo; and real property located in political subdivisions of the state other than the city of Buffalo may not be acquired pursuant to the eminent domain power granted in subdivision (b) of this section unless the chief executive officer and a majority of the legislative body of such political subdivision shall approve, accept, or ratify the preferred project alternative.

(d) The eminent domain power granted in subdivision (b) of this section shall terminate upon the earlier of (i) the completion of the preferred project alternative or (ii) ten years from the effective date of this section, provided, however, that the authority may complete any proceeding under the eminent domain procedure law to acquire property necessary to implement the preferred project alternative if such proceeding was begun prior to such date.

§ 4. This act shall take effect on the one hundred twentieth day after it shall have become a law.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly