S T A T E   O F   N E W   Y O R K

S. 2979 A. 4520

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 4, 2011

IN SENATE -- Introduced by Sens. FARLEY, LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

IN ASSEMBLY -- Introduced by M. of A. BUTLER -- Multi-Sponsored by -- M. of A. SAYWARD -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to inter-fund advances by river regulating districts

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 15-2141 of the environmental conservation law, subdivision 2 as amended by chapter 55 of the laws of 1992, is amended to read as follows:

S 15-2141. Hudson River Regulating District and Black River Regulating District: funds of the board.

1. Notwithstanding the consolidation of the Hudson River Regulating District and the Black River Regulating District into a single district, effectuated by this title, or any other provision of THIS title [21 of this article], moneys constituting the respective "general fund" or "debt service fund" or other fund or funds of either the Hudson River Regulating Board or District or the Black River Regulating Board or District, shall remain and be kept separate and apart and shall be applied for the cost of maintenance and operation in the area of the appropriate district and to pay the debts and obligations of the appropriate board or district, on whose account such moneys were received.

2. Notwithstanding any provision of sections 15-2137 and 15-2139 or any other provision of THIS title [21 of this article], all moneys hereafter received by the Hudson River-Black River Regulating District and its board, as consolidated, by reason of assessments or from the sale of obligations issued or from other source, all for the purposes of the

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

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respective areas heretofore comprising the Hudson River Regulating District or the Black River Regulating District, shall be kept separate and apart and shall constitute "general funds" and "debt service funds" and other fund or funds with the same force and effect as funds heretofore constituted by the Hudson River Regulating Board or District and by the Black River Regulating Board or District and shall be applied solely for the cost of maintenance and operation in the respective areas from which the moneys were received and to pay the debts and obligations accrued or as they become due in the areas where the debts and obligations were incurred, provided, however, that the expenses of the board, as consolidated by this part, and of its officers and employees shall be paid from the appropriate "general funds" in the same proportion as moneys are annually collected from the respective areas. The provisions of section 15-2129, in so far as the same are applicable and not inconsistent herewith, shall apply as they relate to the "general fund", "debt service fund", and to the fund or funds of the district.

3. THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT, NOTWITHSTANDING THIS SECTION, OR ANY OTHER PROVISIONS OF THIS TITLE, MAY TEMPORARILY ADVANCE MONIES HELD IN ANY FUND TO ANY OTHER FUND OF THE REGULATING DISTRICT. ANY SUCH TEMPORARY ADVANCE SHALL BE AUTHORIZED BY RESOLUTION OF THE BOARD AND APPROVED BY THE STATE COMPTROLLER. MONEYS TEMPORARILY ADVANCED PURSUANT TO THIS SECTION SHALL BE REPAID TO THE FUND FROM WHICH THEY WERE ADVANCED AS SOON AS AVAILABLE, BUT IN NO EVENT LATER THAN THE CLOSE OF THE NEXT SUCCEEDING REGULATING DISTRICT BUDGET CYCLE FOLLOWING THE CLOSE OF THE BUDGET CYCLE IN WHICH THE ADVANCE WAS MADE. IF MONEYS FROM A FUND WHICH, IF RAISED BY TAXES, SPECIAL AD VALOREM LEVIES OR SPECIAL ASSESSMENTS, WOULD BE RAISED FROM TAXES, SPECIAL AD VALOREM LEVIES OR SPECIAL ASSESSMENTS ON A DIFFERENT BASE OF PROPERTIES THAN THOSE FOR WHICH TAXES, AD VALOREM LEVIES OR SPECIAL ASSESSMENTS WOULD BE RAISED FOR THE FUND TO WHICH THE ADVANCE IS MADE, THE REPAYMENT SHALL INCLUDE AN AMOUNT REASONABLY ESTIMATED TO BE THE ADDITIONAL AMOUNT THAT WOULD HAVE BEEN EARNED ON THE INVESTMENT OF MONEYS IN THE FUND MAKING THE ADVANCE HAD THE ADVANCE NOT BEEN MADE.

S 2. This act shall take effect immediately.