

591

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to expenditures by certain school districts and to amend the environmental conservation law, in relation to abolishing the Hudson river-Black river regulating district and devolving such powers to the power authority of the state of New York; and to repeal certain provisions of the environmental conservation law relating thereto

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

1 Section 1. Section 2022 of the education law is amended by adding a
2 new subdivision 7 to read as follows:
3 7. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION AND SECTION TWO
4 THOUSAND TWENTY-THREE OF THIS PART FOR THE TWO THOUSAND ELEVEN--TWO
5 THOUSAND TWELVE SCHOOL YEAR, ANY SCHOOL DISTRICT LOCATED WITHIN THE
6 HUDSON RIVER-BLACK RIVER REGULATING DISTRICT MAY EXCEED THE LEVEL OF
7 EXPENDITURES AUTHORIZED BY THE VOTE REQUIRED BY SUBDIVISION ONE OF THIS
8 SECTION OR THE LEVEL OF EXPENDITURES SET BY THE BOARD OF EDUCATION IN
9 ACCORDANCE WITH SECTION TWO THOUSAND TWENTY-THREE OF THIS PART BY THE
10 AMOUNT OF REAL PROPERTY TAXES OR PAYMENTS IN LIEU OF TAXES MADE BY THE
11 NEW YORK POWER AUTHORITY AFTER THE DISSOLUTION OF SUCH REGULATING
12 DISTRICT.
13 S 2. The environmental conservation law is amended by adding a new
14 section 15-2142 to read as follows:
15 S 15-2142. HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND STATE OF NEW
16 YORK POWER AUTHORITY: OLD BOARDS ABOLISHED; TRANSFER OF
17 FUNCTIONS; PENDING ACTIONS AND PROCEEDINGS; INTERPRETATION
18 OF DOCUMENTS; EXISTING RIGHTS AND REMEDIES.
19 1. EXCEPT AS HEREINAFTER PROVIDED, THE BOARD OF THE HUDSON RIVER-BLACK
20 RIVER REGULATING DISTRICT IS HEREBY ABOLISHED, AND ALL OF THE JURISDIC-

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

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1 TION, FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS POSSESSED OR EXERCISED
2 BY, OR FOR WHICH COMMITMENTS HAVE BEEN MADE BY, SUCH BOARDS, INCLUDING
3 LANDS OR PROPERTY ACQUIRED, MONEYS OF THE BOARDS, AND ACTIONS TAKEN OR
4 DETERMINATIONS MADE BY SUCH BOARDS, ARE HEREBY TRANSFERRED TO, ASSIGNED
5 TO AND DEVOLVED UPON THE POWER AUTHORITY OF THE STATE OF NEW YORK AND
6 ITS CHAIRMAN.

7 2. EXCEPT AS HEREINAFTER PROVIDED, THE CONTRACTS, BOOKS, MAPS, PLANS,
8 PAPERS, RECORDS AND PROPERTY OF WHATEVER DESCRIPTION WITHIN THE JURIS-
9 DICTION OR UNDER THE CONTROL OF THE HUDSON RIVER-BLACK RIVER REGULATING
10 DISTRICT, INCLUDING MONEYS APPROPRIATED AND AVAILABLE TO SUCH DISTRICTS,
11 PERTAINING TO OR USED IN CONNECTION WITH THE EXERCISE OR PERFORMANCE OF
12 THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANSFERRED AND ASSIGNED, SHALL
13 BE DELIVERED TO THE CHAIRMAN OF THE NEW YORK STATE POWER AUTHORITY, WHO
14 IS HEREBY AUTHORIZED TO TAKE POSSESSION THEREOF.

15 3. FOR THE PURPOSES OF SUCCESSION, THE FUNCTIONS, POWERS AND DUTIES
16 TRANSFERRED, ASSIGNED TO, AND DEVOLVING UPON THE POWER AUTHORITY SHALL
17 BE DEEMED TO CONSTITUTE A CONTINUATION OF SUCH FUNCTIONS, POWERS AND
18 DUTIES EXERCISED BY THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT,
19 AND THE ACTS, ORDERS, RULES, REGULATIONS AND DETERMINATIONS OF SUCH
20 DISTRICTS SHALL HAVE, AND CONTINUE WITH, THE SAME FORCE AND EFFECT AS
21 THOUGH DONE BY OR MADE BY THE POWER AUTHORITY.

22 4. ANY BUSINESS OR MATTER HERETOFORE UNDERTAKEN OR COMMENCED BY OR
23 BEFORE THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT, OR ANY ACTION
24 OR PROCEEDING HERETOFORE BROUGHT BY OR AGAINST SUCH DISTRICTS, PERTAIN-
25 ING TO OR CONNECTED WITH THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANS-
26 FERRED AND ASSIGNED TO THE POWER AUTHORITY MAY BE CONDUCTED, COMPLETED,
27 PROSECUTED AND DEFENDED BY AND IN THE NAME OF THE POWER AUTHORITY. IN
28 ALL SUCH ACTIONS AND PROCEEDINGS THE HUDSON RIVER-BLACK RIVER REGULATING
29 DISTRICT, UPON APPLICATION TO THE COURT, MAY BE SUBSTITUTED AS A PARTY.

30 5. WHEN THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT IS REFERRED
31 TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT, SUCH REFERENCE OR
32 DESIGNATION SHALL BE DEEMED TO REFER TO AND INCLUDE THE POWER AUTHORITY
33 SO FAR AS SUCH LAW, CONTRACT OR DOCUMENT PERTAINS TO MATTERS WHICH ARE
34 WITHIN ITS JURISDICTION BY REASON OF SUCH TRANSFER AND ASSIGNMENT OF
35 FUNCTIONS, POWERS AND DUTIES.

36 S 3. Section 15-2137 of the environmental conservation law is
37 REPEALED.

38 S 4. Section 15-2139 of the environmental conservation law is
39 REPEALED.

40 S 5. Section 15-2141 of the environmental conservation law is
41 REPEALED.

42 S 6. This act shall take effect on the first of July next succeeding
43 the date on which it shall have become a law; provided, however, that
44 effective immediately, the addition, amendment and/or repeal of any rule
45 or regulation necessary for the implementation of this act on its effec-
46 tive date are authorized and directed to be made and completed on or
47 before such effective date.