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

8263

I N S E N A T E

June 18, 2010

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

AN ACT to amend the environmental conservation law, in relation to unconsolidating the Hudson River-Black River Regulating District into the Hudson River Regulating District and the Black River Regulating District

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

Section 1. Subdivision 7 of section 15-2109 of the environmental conservation law is amended to read as follows:

7. The [board] BOARDS of the Hudson [river-Black] river regulating district AND THE BLACK RIVER REGULATING DISTRICT shall have the power to contract to sell water, upon such terms and conditions as [it] EACH deems advisable to any or all of the counties of Albany, Columbia, Essex, Fulton, Green, Hamilton, Rensselaer, Saratoga, Schenectady, Warren or Washington, which counties are contained within such [district] DISTRICTS.

S 2. Section 15-2137 of the environmental conservation law, subdivision 3 as amended by chapter 766 of the laws of 2005, is amended to read as follows:

S 15-2137. [Hudson River-Black River Regulating District] HUDSON RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT; old [boards] BOARD abolished; new [board] BOARDS created.

1. The [Hudson River Regulating District and the Black River Regulating District created pursuant to this article are hereby consolidated into a single district, to include the areas of both such districts, and to be known as the] Hudson River-Black River Regulating District CONSOLIDATED PURSUANT TO THIS ARTICLE IS HEREBY UNCONSOLIDATED INTO TWO DISTRICTS, THE HUDSON RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT.

2. Except as hereinafter provided, the board of the Hudson [River Regulating District and the board of the Black River Regulating District are] RIVER-BLACK RIVER REGULATING DISTRICT IS hereby abolished, and all

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

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of the jurisdiction, functions, powers, duties and obligations possessed or exercised by, or for which commitments have been made by, such [boards] BOARD, including lands or property acquired, moneys of the boards, and actions taken or determinations made by such [boards] BOARD, [are] IS hereby transferred to, assigned to and devolved, AS APPROPRIATE, upon the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT, THE BLACK RIVER REGULATING DISTRICT and [its] THE board OF EACH SUCH REGULATING DISTRICT.

3. Notwithstanding any provision of titles 21, 23 and 25 of this article, A. a board of the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT is hereby created to consist of [seven] FIVE members to be appointed by the governor [not less than three] EACH of whom shall be [residents] A RESIDENT of the territory comprising the [Black River area and not less than three of whom shall be residents of the territory comprising the] Hudson [River] RIVER area. [The governor shall appoint one member for a term ending September 1, 1960, one for a term ending September 1, 1961, one for a term ending September 1, 1962, one for a term ending September 1, 1963, and one for a term ending September 1, 1964, and thereafter, on the expiration of their respective terms of office, appointments]

B. A BOARD OF THE BLACK RIVER REGULATING DISTRICT IS HEREBY CREATED TO CONSIST OF FIVE MEMBERS TO BE APPOINTED BY THE GOVERNOR EACH OF WHOM SHALL BE A RESIDENT OF THE TERRITORY COMPRISING THE BLACK RIVER AREA.

C. APPOINTMENTS shall be made for terms of five years. [The governor shall appoint two additional board members, each of whom shall serve for a term of five years from the effective date of his or her appointment; provided, however, that the board members first appointed on or after the effective date of the chapter of the laws of two thousand five which amended this subdivision shall serve an initial term of two years from the effective date of such appointment.] The governor shall fill any vacancy on such board within thirty days after it occurs for the remainder of the term of office.

S 3. Section 15-2139 of the environmental conservation law is amended to read as follows:

S 15-2139. Hudson [River Regulating District] RIVER REGULATING DISTRICT and Black [River Regulating District] RIVER REGULATING DISTRICT: transfer of functions; pending actions and proceedings; interpretation of documents; existing rights and remedies.

1. Except as hereinafter provided, the contracts, books, maps, plans, papers, records and property of whatever description within the jurisdiction or under the control of the Hudson [River Regulating District or the Black River Regulating District] RIVER-BLACK RIVER REGULATING DISTRICT, including moneys appropriated and available to such [districts] DISTRICT, pertaining to or used in connection with the exercise or performance of the functions, powers and duties hereby transferred and assigned, shall be SPLIT AND delivered to the APPROPRIATE secretary of EITHER the board of the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT OR BLACK RIVER REGULATING DISTRICT, who is hereby authorized to take possession thereof.

2. For the purposes of succession, the functions, powers and duties transferred, assigned to, and devolving upon the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT shall be deemed to constitute a continuation of such functions, powers and duties exercised by the Hudson [River Regulating District and the Black River Regulating District] RIVER-BLACK RIVER

REGULATING DISTRICT, and the acts, orders, rules, regulations and determinations of such [districts] DISTRICT shall have, and continue with, the same force and effect as though done by or made by the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT OR THE BLACK RIVER REGULATING DISTRICT.

3. Any business or matter heretofore undertaken or commenced by or before the Hudson [River Regulating District or the Black River Regulating District] RIVER-BLACK RIVER REGULATING DISTRICT, or any action or proceeding heretofore brought by or against such [districts] DISTRICT, pertaining to or connected with the functions, powers and duties hereby transferred and assigned to the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT may be conducted, completed, prosecuted and defended JOINTLY by and in the [name] NAMES of the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT. In all such actions and proceedings the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT, upon application to the court, may be substituted JOINTLY, as a party.

4. When the Hudson [River Regulating District or the Black River Regulating District] RIVER-BLACK RIVER REGULATING DISTRICT is referred to or designated in any law, contract or document, such reference or designation shall be deemed to refer to and include the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT AND THE BLACK RIVER REGULATING DISTRICT so far as such law, contract or document pertains to matters which are within [its] THE jurisdiction OF EITHER by reason of such transfer and assignment of functions, powers and duties.

5. No existing right or remedy of any character shall be lost, or affected by reason of the provisions of sections 15-2137, 15-2139 and 15-2141 OF THIS TITLE.

S 4. 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] RIVER REGULATING DISTRICT and Black [River Regulating District] RIVER REGULATING DISTRICT: funds of the board.

1. Notwithstanding the consolidation AND SUBSEQUENT UNCONSOLIDATION of the Hudson [River Regulating District and the Black River Regulating District] RIVER-BLACK RIVER REGULATING DISTRICT into [a single district] TWO DISTRICTS, effectuated by this title, or any other provision of 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] RIVER REGULATING BOARD or [District] DISTRICT or the Black [River Regulating Board] RIVER REGULATING BOARD or [District] 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 title 21 of this article, all moneys hereafter received by the Hudson [River-Black River Regulating District] RIVER REGULATING DISTRICT, THE BLACK RIVER REGULATING DISTRICT and [its] EACH board, as [consolidated] UNCONSOLIDATED, by reason of assessments or from the sale of obligations issued or from other source, all for the purposes of the respective areas heretofore comprising the Hudson [River

Regulating District] RIVER REGULATING DISTRICT or the Black [River Regulating District] 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] RIVER REGULATING BOARD or [District] DISTRICT and by the Black [River Regulating Board] RIVER REGULATING BOARD or [District] 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] RESPECTIVE BOARDS, as [consolidated by] UNCONSOLIDATED PURSUANT TO this [part] TITLE, and of [its] THE officers and employees THEREOF 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.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.