

S. 7010

A. 10135

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

March 5, 2010

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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, 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:

1     Section 1.     Section 15-2141 of the environmental conservation law,  
2     subdivision 2 as amended by chapter 55 of the laws of 1992, is amended  
3     to read as follows:  
4     S 15-2141. Hudson River Regulating District and Black River Regulating  
5     District: funds of the board.  
6     1. Notwithstanding the consolidation of the Hudson River Regulating  
7     District and the Black River Regulating District into a single district,  
8     effectuated by this title, or any other provision of THIS title [21 of  
9     this article], moneys constituting the respective "general fund" or  
10    "debt service fund" or other fund or funds of either the Hudson River  
11    Regulating Board or District or the Black River Regulating Board or  
12    District, shall remain and be kept separate and apart and shall be  
13    applied for the cost of maintenance and operation in the area of the  
14    appropriate district and to pay the debts and obligations of the appro-  
15    priate board or district, on whose account such moneys were received.  
16    2. Notwithstanding any provision of sections 15-2137 and 15-2139 or  
17    any other provision of THIS title [21 of this article], all moneys here-  
18    after received by the Hudson River-Black River Regulating District and  
19    its board, as consolidated, by reason of assessments or from the sale of  
20    obligations issued or from other source, all for the purposes of the  
21    respective areas heretofore comprising the Hudson River Regulating  
22    District or the Black River Regulating District, shall be kept separate  
23    and apart and shall constitute "general funds" and "debt service funds"  
24    and other fund or funds with the same force and effect as funds hereto-

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

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1 fore constituted by the Hudson River Regulating Board or District and by  
2 the Black River Regulating Board or District and shall be applied solely  
3 for the cost of maintenance and operation in the respective areas from  
4 which the moneys were received and to pay the debts and obligations  
5 accrued or as they become due in the areas where the debts and obli-  
6 gations were incurred, provided, however, that the expenses of the  
7 board, as consolidated by this part, and of its officers and employees  
8 shall be paid from the appropriate "general funds" in the same propor-  
9 tion as moneys are annually collected from the respective areas. The  
10 provisions of section 15-2129, in so far as the same are applicable and  
11 not inconsistent herewith, shall apply as they relate to the "general  
12 fund", "debt service fund", and to the fund or funds of the district.

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

30 S 2. This act shall take effect immediately.