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

10403

I N A S S E M B L Y

March 23, 2010

Introduced by M. of A. RUSSELL -- (at request of the Governor) -- 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 the Hudson River-Black River Regulating District and removing requirements for department approval of regulations and apportionment

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 is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT MAY TEMPORARILY ADVANCE MONEYS HELD IN ANY FUND TO ANY OTHER FUND OF SUCH DISTRICT. ANY SUCH TEMPORARY ADVANCE SHALL BE AUTHORIZED BY RESOLUTION OF THE BOARD. 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 ARE ADVANCED FROM A FUND WHICH ARE 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. Subdivision 1 of section 15-2109 of the environmental conservation law is amended to read as follows:

1. The board shall have power to make all necessary rules and regulations [which shall be effective when approved by the department].

S 3. Subdivision 4 of section 15-2121 of the environmental conservation law is amended to read as follows:

4. The board, or a majority of the members thereof, before making such apportionment shall view the premises and public corporations benefited. Such apportionment shall be approved by the board and [certified to the

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

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department for its approval. Upon the approval thereof by the department,] the board shall cause a copy thereof to be served upon the chairman or other presiding officer of the county legislative body of each county, the mayor of each city, the supervisor of each town, and the mayor of each village, named in the apportionment, or if service cannot be had upon such chairman, mayor, or supervisor, then upon a member of the county legislative body of the county, an alderman of the city or member of the governing board thereof, a member of the town board of the town, or a trustee of the village, and to be filed in the office of the county clerk of each county in which any public corporation or real property thereby affected is located. After such service and filing of such apportionment and determination, notice shall be given by the board, of publication of a time and place where the board will meet to hear any public corporation or person aggrieved by the same. The affidavit of the person serving or publishing such notice shall be evidence of such service or publication.

S 4. This act shall take effect immediately.