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

S. 8118--A A. 11401--A

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

June 9, 2010

IN SENATE -- Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Canestrari) -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Section 2022 of the education law is amended by adding a new subdivision 7 to read as follows:

7. NOTWITHSTANDING THE PROVISIONS OF THIS SECTION AND SECTION TWO THOUSAND TWENTY-THREE OF THIS PART FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, ANY SCHOOL DISTRICT LOCATED WITHIN THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT MAY EXCEED THE LEVEL OF EXPENDITURES AUTHORIZED BY THE VOTE REQUIRED BY SUBDIVISION ONE OF THIS SECTION OR THE LEVEL OF EXPENDITURES SET BY THE BOARD OF EDUCATION IN ACCORDANCE WITH SECTION TWO THOUSAND TWENTY-THREE OF THIS PART BY THE AMOUNT OF REAL PROPERTY TAXES OR PAYMENTS IN LIEU OF TAXES MADE BY THE NEW YORK POWER AUTHORITY AFTER THE DISSOLUTION OF SUCH REGULATING DISTRICT.

S 2. The environmental conservation law is amended by adding a new section 15-2143 to read as follows:

S 15-2143. HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND STATE OF NEW YORK POWER AUTHORITY: OLD BOARDS ABOLISHED; TRANSFER OF FUNCTIONS; PENDING ACTIONS AND PROCEEDINGS; INTERPRETATION OF DOCUMENTS; EXISTING RIGHTS AND REMEDIES.

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

LBD17076-02-0

1. EXCEPT AS HEREINAFTER PROVIDED, THE BOARD OF THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT IS HEREBY ABOLISHED, AND ALL OF THE JURISDICTION, FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS POSSESSED OR EXERCISED BY, OR FOR WHICH COMMITMENTS HAVE BEEN MADE BY, SUCH BOARDS, INCLUDING LANDS OR PROPERTY ACQUIRED, MONEYS OF THE BOARDS, AND ACTIONS TAKEN OR DETERMINATIONS MADE BY SUCH BOARDS, ARE HEREBY TRANSFERRED TO, ASSIGNED TO AND DEVOLVED UPON THE POWER AUTHORITY OF THE STATE OF NEW YORK AND ITS CHAIRMAN.

2. 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-BLACK RIVER REGULATING DISTRICT, INCLUDING MONEYS APPROPRIATED AND AVAILABLE TO SUCH DISTRICTS, PERTAINING TO OR USED IN CONNECTION WITH THE EXERCISE OR PERFORMANCE OF THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANSFERRED AND ASSIGNED, SHALL BE DELIVERED TO THE CHAIRMAN OF THE NEW YORK STATE POWER AUTHORITY, WHO IS HEREBY AUTHORIZED TO TAKE POSSESSION THEREOF.

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

4. ANY BUSINESS OR MATTER HERETOFORE UNDERTAKEN OR COMMENCED BY OR BEFORE THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT, OR ANY ACTION OR PROCEEDING HERETOFORE BROUGHT BY OR AGAINST SUCH DISTRICTS, PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANSFERRED AND ASSIGNED TO THE POWER AUTHORITY MAY BE CONDUCTED, COMPLETED, PROSECUTED AND DEFENDED BY AND IN THE NAME OF THE POWER AUTHORITY. IN ALL SUCH ACTIONS AND PROCEEDINGS THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT, UPON APPLICATION TO THE COURT, MAY BE SUBSTITUTED AS A PARTY.

5. WHEN THE HUDSON 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 POWER AUTHORITY SO FAR AS SUCH LAW, CONTRACT OR DOCUMENT PERTAINS TO MATTERS WHICH ARE WITHIN ITS JURISDICTION BY REASON OF SUCH TRANSFER AND ASSIGNMENT OF FUNCTIONS, POWERS AND DUTIES.

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

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

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

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