

S. 2979

A. 4520

2011-2012 Regular Sessions

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

February 4, 2011

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 -- Multi-Sponsored by -- M. of A. 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

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

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

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

34 S 2. This act shall take effect immediately.