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

5139

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to making technical corrections thereto and to repeal titles 11, 15 and 17 of article 21 of the environmental conservation law relating to the Champlain Basin Compact, the Mid-Atlantic States Air Pollution Control Compact and the Delaware River Basin Water Commission Compact

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

Section 1. Titles 11, 15 and 17 of article 21 of the environmental conservation law are REPEALED.

S 2. Subdivisions 15, 18, 20 and 21 of section 1-0303 of the environmental conservation law, subdivision 15 as amended by chapter 364 of the laws of 1999 and subdivision 18 as amended by chapter 448 of the laws of 2005, are amended to read as follows:

15. As used in sections 3-0109 through 3-0115, inclusive, and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; article 23; title 3 of article 27; articles 43, 45 and 47; and titles 1 through 13 inclusive and title 33 of article 71 applicable to these provisions, "local public corporation" shall mean any "municipal corporation" or "district corporation" as defined in subdivisions two and three of section sixty-six of the general construction law.

18. "Person" shall mean any individual, public or private corporation, political subdivision, government agency, department or bureau of the state, municipality, industry, co-partnership, association, firm, trust, estate or any other legal entity whatsoever. Provided, however, that for purposes of sections 3-0109 through 3-0115 inclusive, and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; article 23; articles 43, 45 and 47; sections 57-0121 and 57-0123 of article 57; and titles 1 through 13 inclusive and

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

LBD11177-01-1

title 33 of article 71 applicable to these provisions, "person" means any individual, firm, co-partnership, association or corporation other than the state and a "public corporation".

20. As used in sections 3-0109 through 3-0115 inclusive, and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; article 23; title 3 of article 27; articles 43, 45 and 47; and titles 1 through 15 inclusive and title 33 of article 71 applicable to these provisions, "public corporation" shall mean "public corporation" as defined in [subdivision 1 of section 3 of the General Corporation Law] SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION LAW and includes all public authorities.

21. As used in sections 3-0109 through 3-0115 inclusive, and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; article 23; title 3 of article 27; articles 43, 45 and 47; and titles 1 through 15 inclusive and title 33 of article 71 applicable to these provisions, "state public corporation" shall mean public benefit corporation to which the Governor appoints a majority of the members. A person who is a member of a public corporation by virtue of holding another state office shall be deemed to be selected as a member of the public benefit corporation in the manner in which he was selected for such other office.

S 3. Section 3-0307 of the environmental conservation law is amended to read as follows:

S 3-0307. Acquisition of federal lands.

The State of New York may acquire from the United States of America by gift, lease or purchase or otherwise, and subject to such conditions as may be prescribed by the United States of America, lands suited for reforestation, game management, fish propagation, park purposes and/or any other activities permitted by sections 3-0109 through 3-0115 inclusive, and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; article 23; title 3 of article 27; articles 43, 45 and 47; and titles 1 through 15 inclusive and title 33 of article 71 applicable to these provisions and may by written order of the commissioner filed in the office of the department, assign and transfer at anytime, wholly or in part, the direct jurisdiction and control of any such lands to one or more divisions of the department to be administered in connection with any of the various activities permitted by such provisions. Upon the assignment of such lands to a division and notwithstanding any other provision of law, such division may expend any funds appropriated for such activities in the development, maintenance and operation of lands so acquired.

S 4. Section 71-0501 of the environmental conservation law, as amended by chapter 550 of the laws of 1980, is amended to read as follows:

S 71-0501. Applicability of this title.

This title shall apply to sections 3-0109 through 3-0115 inclusive and sections 3-0305 and 3-0307 of article 3; articles 9, 11, 13 and 15; titles 7, 9[, 11] and 13 of article 21; articles 23 and 24; and articles 43, 45 and 47 of this chapter.

S 5. This act shall take effect immediately.