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I N A S S E M B L Y

May 14, 2014

Introduced by M. of A. McDONALD -- read once and referred to the Committee on Environmental Conservation

AN ACT 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 such law relating thereto

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

1 Section 1. The environmental conservation law is amended by adding a
2 new section 15-2142 to read as follows:

3 S 15-2142. HUDSON RIVER-BLACK RIVER REGULATING DISTRICT AND STATE OF NEW
4 YORK POWER AUTHORITY: OLD BOARDS ABOLISHED; TRANSFER OF
5 FUNCTIONS; PENDING ACTIONS AND PROCEEDINGS; INTERPRETATION
6 OF DOCUMENTS; EXISTING RIGHTS AND REMEDIES.

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

15 2. EXCEPT AS HEREINAFTER PROVIDED, THE CONTRACTS, BOOKS, MAPS, PLANS,
16 PAPERS, RECORDS AND PROPERTY OF WHATEVER DESCRIPTION WITHIN THE JURIS-
17 DICTION OR UNDER THE CONTROL OF THE HUDSON RIVER-BLACK RIVER REGULATING
18 DISTRICT, INCLUDING MONEYS APPROPRIATED AND AVAILABLE TO SUCH DISTRICTS,
19 PERTAINING TO OR USED IN CONNECTION WITH THE EXERCISE OR PERFORMANCE OF
20 THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANSFERRED AND ASSIGNED, SHALL
21 BE DELIVERED TO THE CHAIRMAN OF THE NEW YORK STATE POWER AUTHORITY, WHO
22 IS HEREBY AUTHORIZED TO TAKE POSSESSION THEREOF.

23 3. FOR THE PURPOSES OF SUCCESSION, THE FUNCTIONS, POWERS AND DUTIES
24 TRANSFERRED, ASSIGNED TO, AND DEVOLVED UPON THE POWER AUTHORITY SHALL
25 BE DEEMED TO CONSTITUTE A CONTINUATION OF SUCH FUNCTIONS, POWERS AND
26 DUTIES EXERCISED BY THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT,

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

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1 AND THE ACTS, ORDERS, RULES, REGULATIONS AND DETERMINATIONS OF SUCH
2 DISTRICTS SHALL HAVE, AND CONTINUE WITH, THE SAME FORCE AND EFFECT AS
3 THOUGH DONE BY OR MADE BY THE POWER AUTHORITY.

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

12 5. WHEN THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT IS REFERRED
13 TO OR DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENT, SUCH REFERENCE OR
14 DESIGNATION SHALL BE DEEMED TO REFER TO AND INCLUDE THE POWER AUTHORITY
15 SO FAR AS SUCH LAW, CONTRACT OR DOCUMENT PERTAINS TO MATTERS WHICH ARE
16 WITHIN ITS JURISDICTION BY REASON OF SUCH TRANSFER AND ASSIGNMENT OF
17 FUNCTIONS, POWERS AND DUTIES.

18 6. NO COUNTY WITHIN THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT
19 SHALL BE LIABLE TO SUCH REGULATING DISTRICT FOR ANY TAX PAYMENTS, FEES,
20 CHARGES AND/OR ASSESSMENTS.

21 S 2. Section 15-2137 of the environmental conservation law is
22 REPEALED.

23 S 3. Section 15-2139 of the environmental conservation law is
24 REPEALED.

25 S 4. Section 15-2141 of the environmental conservation law is
26 REPEALED.

27 S 5. This act shall take effect on the first of July next succeeding
28 the date on which it shall have become a law; provided, however, that
29 effective immediately, the addition, amendment and/or repeal of any rule
30 or regulation necessary for the implementation of this act on its effec-
31 tive date is authorized and directed to be made and completed on or
32 before such effective date.