

1139--B

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

LBD01551-08-4

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

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

13 4. ANY BUSINESS OR MATTER HERETOFORE UNDERTAKEN OR COMMENCED BY OR
14 BEFORE THE HUDSON RIVER-BLACK RIVER REGULATING DISTRICT, OR ANY ACTION
15 OR PROCEEDING HERETOFORE BROUGHT BY OR AGAINST SUCH DISTRICTS, PERTAIN-
16 ING TO OR CONNECTED WITH THE FUNCTIONS, POWERS AND DUTIES HEREBY TRANS-
17 FERRED AND ASSIGNED TO THE POWER AUTHORITY MAY BE CONDUCTED, COMPLETED,
18 PROSECUTED AND DEFENDED BY AND IN THE NAME OF THE POWER AUTHORITY. IN
19 ALL SUCH ACTIONS AND PROCEEDINGS THE HUDSON RIVER-BLACK RIVER REGULATING
20 DISTRICT, UPON APPLICATION TO THE COURT, MAY BE SUBSTITUTED AS A PARTY.

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

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

30 S 2. Section 15-2137 of the environmental conservation law is
31 REPEALED.

32 S 3. Section 15-2139 of the environmental conservation law is
33 REPEALED.

34 S 4. Section 15-2141 of the environmental conservation law is
35 REPEALED.

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