

1 S 825-C. POWERS AND DUTIES. THE DIVISION SHALL BE RESPONSIBLE FOR
2 ENSURING THE ENVIRONMENTALLY SOUND, ECONOMIC DEVELOPMENT OF NEW YORK'S
3 NON-RENEWABLE ENERGY AND MINERAL RESOURCES FOR THE BENEFIT OF CURRENT
4 AND FUTURE GENERATIONS. THE DIVISION SHALL FURTHER MONITOR THE
5 EXTRACTION OF OIL AND GAS, AND REQUIRE THE RECLAMATION OF LAND AFTER
6 MINING.

7 S 825-D. TRANSFER OF POWERS, DUTIES AND FUNCTIONS. ALL POWERS, DUTIES
8 AND FUNCTIONS CONFERRED UPON THE DEPARTMENT OF ENVIRONMENTAL CONSERVA-
9 TION BY ARTICLE TWENTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW,
10 SHALL BE TRANSFERRED TO AND ASSUMED BY THE DIVISION.

11 S 825-E. TRANSFER OF RECORDS. THE DEPARTMENT OF ENVIRONMENTAL CONSER-
12 VATION SHALL DELIVER TO THE BOARD ALL BOOKS, PAPERS, RECORDS AND PROPER-
13 TY AS REQUESTED BY THE BOARD.

14 S 825-F. TRANSFER OF EMPLOYEES. UPON THE TRANSFER OF THE FUNCTIONS OF
15 ARTICLE TWENTY-THREE OF THE ENVIRONMENTAL CONSERVATION LAW, ANY AFFECTED
16 EMPLOYEES MAY BE TRANSFERRED TO THE DIVISION IN ACCORDANCE WITH SECTION
17 SEVENTY OF THE CIVIL SERVICE LAW.

18 S 825-G. CONTINUITY OF AUTHORITY. FOR THE PURPOSE OF SUCCESSION TO ALL
19 FUNCTIONS, POWERS, DUTIES AND OBLIGATIONS TRANSFERRED AND ASSIGNED TO,
20 DEVOLVED UPON AND ASSUMED BY THE DIVISION SHALL BE DEEMED AND HELD TO
21 CONSTITUTE THE CONTINUATION OF ARTICLE TWENTY-THREE OF THE ENVIRONMENTAL
22 CONSERVATION LAW PERTAINING TO THE POWERS AND FUNCTIONS TRANSFERRED.

23 S 825-H. COMPLETION OF UNFINISHED BUSINESS. ANY BUSINESS OR OTHER
24 MATTER UNDERTAKEN OR COMMENCED BY THE DEPARTMENT OF ENVIRONMENTAL
25 CONSERVATION UNDER ARTICLE TWENTY-THREE OF THE ENVIRONMENTAL CONSERVA-
26 TION LAW PERTAINING TO OR CONNECTED WITH THE FUNCTIONS, POWERS, OBLI-
27 GATIONS AND DUTIES TRANSFERRED AND ASSIGNED TO THE DIVISION, AND PENDING
28 ON THE EFFECTIVE DATE OF THIS ARTICLE MAY BE CONDUCTED AND COMPLETED BY
29 THE DIVISION IN THE SAME MANNER AND UNDER THE SAME TERMS AND CONDITIONS
30 AND WITH THE SAME EFFECT AS IF CONDUCTED AND COMPLETED BY THE DEPARTMENT
31 OF ENVIRONMENTAL CONSERVATION.

32 S 825-I. TERMS OCCURRING IN LAWS, CONTRACTS AND OTHER DOCUMENTS.
33 WHENEVER THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS REFERRED TO OR
34 DESIGNATED IN ANY LAW, CONTRACT OR DOCUMENTS PERTAINING TO THE FUNC-
35 TIONS, POWERS, OBLIGATIONS AND DUTIES TRANSFERRED AND ASSIGNED TO THE
36 DIVISION, SUCH REFERENCE OR DESIGNATION SHALL BE DEEMED TO REFER TO THE
37 DIVISION.

38 S 825-J. EXISTING RIGHTS AND REMEDIES PRESERVED. NO EXISTING RIGHT OR
39 REMEDY OF ANY CHARACTER SHALL BE LOST, IMPAIRED OR AFFECTED BY REASON OF
40 THIS TITLE.

41 S 825-K. PENDING ACTIONS AND PROCEEDINGS. NO ACTION OR PROCEEDING
42 PENDING AT THE TIME WHEN THIS ARTICLE SHALL TAKE EFFECT, BROUGHT BY OR
43 AGAINST THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION RELATING TO THE
44 FUNCTION, POWER OR DUTY TRANSFERRED TO OR DEVOLVED UPON THE DIVISION
45 SHALL BE AFFECTED BY THIS ARTICLE, BUT THE SAME MAY BE PROSECUTED OR
46 DEFENDED IN THE NAME OF THE DIVISION ACCOUNTABILITY AND UPON APPLICATION
47 TO THE COURT, THE DIVISION SHALL BE SUBSTITUTED AS A PARTY.

48 S 2. Subdivisions 4 and 11 of section 1-0303 of the environmental
49 conservation law are amended to read as follows:

50 4. "Commissioner" shall mean the state Commissioner of Environmental
51 Conservation, EXCEPT FOR THE PURPOSES OF ARTICLE TWENTY-THREE OF THIS
52 CHAPTER, COMMISSIONER SHALL MEAN THE DIRECTOR OF THE DIVISION OF MINERAL
53 RESOURCES.

54 11. "Department" shall mean the state Department of Environmental
55 Conservation, EXCEPT FOR THE PURPOSES OF ARTICLE TWENTY-THREE OF THIS
56 CHAPTER, DEPARTMENT SHALL MEAN THE DIVISION OF MINERAL RESOURCES.

1 S 3. Subdivisions 3 and 4 of section 23-0101 of the environmental
2 conservation law, as amended by chapter 846 of the laws of 1981, are
3 amended to read as follows:

4 3. "Commissioner" means the commissioner of environmental conserva-
5 tion, EXCEPT FOR THE PURPOSES OF THIS ARTICLE, COMMISSIONER SHALL MEAN
6 THE DIRECTOR OF THE DIVISION OF MINERAL RESOURCES.

7 4. "Department" means the department of environmental conservation,
8 EXCEPT FOR THE PURPOSES OF THIS ARTICLE, DEPARTMENT SHALL MEAN THE DIVI-
9 SION OF MINERAL RESOURCES.

10 S 4. Subparagraph 2 of paragraph d of subdivision 1 of section 23-0313
11 of the environmental conservation law, as added by chapter 721 of the
12 laws of 1989, is amended to read as follows:

13 (2) The records subject to this paragraph may be excepted from disclo-
14 sure after the applicable six-month period pursuant to the provisions of
15 subdivision two of section eighty-seven of the public officers law
16 provided, however, that such records cannot be excepted from disclosure
17 for longer than two years after the commencement of the applicable six-
18 month period. A written request for the exception by the person furnish-
19 ing the records will not be considered unless it is submitted to the
20 department at least thirty days before the expiration date of the appli-
21 cable six-month period. The request for the exception from disclosure
22 must be sent by certified mail, return receipt requested, and addressed
23 to the New York State Department of Environmental Conservation, [Divi-
24 sion of Mineral Resources,] Records Custodian, Albany, New York. Any
25 person may make a request to the department for disclosure of records
26 pursuant to this subparagraph in accordance with article six of the
27 public officers law.

28 S 5. This act shall take effect on the one hundred eightieth day after
29 it shall have become a law; provided, however, that effective immediate-
30 ly, the addition, amendment and/or repeal of any rule or regulation
31 necessary for the implementation of this act on its effective date are
32 authorized and directed to be made and completed on or before such
33 effective date.