

4503

2013-2014 Regular Sessions

I N   S E N A T E

April 5, 2013

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Introduced by Sen. LATIMER -- 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 enacting the flood mitigation council act

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "flood mitigation council act".

3     S 2. Legislative findings. The legislature finds that: climate change  
4     has produced increased frequency and severity of flooding throughout New  
5     York state. This is particularly underscored by the effects of Hurricane  
6     Sandy and other storms throughout the state.

7     S 3. The environmental conservation law is amended by adding a new  
8     section 16-0121 to read as follows:

9     S 16-0121. FLOOD MITIGATION COUNCIL.

10    1. THERE IS HEREBY ESTABLISHED IN THE DEPARTMENT A FLOOD MITIGATION  
11    COUNCIL. SUCH COUNCIL SHALL BE COMPOSED OF NOT LESS THAN ELEVEN MEMBERS  
12    AND NO MORE THAN SIXTEEN MEMBERS, WHICH SHALL INCLUDE THE COMMISSIONER,  
13    WHO SHALL BE THE CHAIR OF THE COUNCIL, THE COMMISSIONER OF GENERAL  
14    SERVICES WHO SHALL SERVE AS AN EX-OFFICIO MEMBER OF THE COUNCIL, AND A  
15    MINIMUM OF TEN MEMBERS AND A MAXIMUM OF FOURTEEN MEMBERS APPOINTED BY  
16    THE COMMISSIONER. THE MEMBERS APPOINTED BY THE COMMISSIONER SHALL  
17    INCLUDE PERSONS REPRESENTING THE FOLLOWING INTERESTS: THE U.S. ARMY  
18    CORPS OF ENGINEERS; THE NEW YORK STATE DEPARTMENTS OF ENVIRONMENTAL  
19    CONSERVATION AND TRANSPORTATION; THE NEW YORK STATE OFFICE OF PARKS,  
20    RECREATION AND HISTORIC PRESERVATION; THE NEW YORK STATE OFFICE OF EMER-  
21    GENCY MANAGEMENT; THE NEW YORK STATE DIVISION OF HOMELAND SECURITY AND  
22    EMERGENCY SERVICES; AND FLOOD-PRONE COUNTIES AND MUNICIPALITIES. THE  
23    MEMBERSHIP OF THE COUNCIL SHALL REPRESENT THOSE GEOGRAPHIC AREAS AND  
24    REGIONS IN THIS STATE THAT ARE LIKELY TO SUFFER FROM THE EFFECTS OF  
25    FLOODING. THE MEMBERS OF THE COUNCIL SHALL RECEIVE NO COMPENSATION FOR

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

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1 THEIR SERVICES BUT SHALL BE REIMBURSED THEIR ACTUAL AND NECESSARY  
2 EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES PURSUANT TO THIS  
3 SECTION.

4 2. THE FLOOD MITIGATION COUNCIL SHALL:

5 A. ASSESS AND QUANTIFY THE EXTENT AND MAGNITUDE OF THE PROBLEM STATE-  
6 WIDE CAUSED BY FLOODING, INCLUDING IDENTIFYING THOSE REGIONS AND POPU-  
7 LATIONS MOST AFFECTED BY FLOODING; DEVELOPING CRITERIA AND GUIDELINES  
8 FOR IDENTIFYING AND PRIORITIZING REGIONS AND PROJECTS MOST IN NEED OF  
9 MITIGATION; AND IDENTIFYING EXISTING AND EMERGING TECHNOLOGIES, STRATE-  
10 GIES AND CONCEPTS WHICH CAN MITIGATE THE IMPACT OF FLOODING ON POPU-  
11 LATIONS AND INFRASTRUCTURE;

12 B. IDENTIFY POTENTIAL FUNDING SOURCES TO SUPPORT RESIDENTIAL, COMMER-  
13 CIAL AND PUBLIC MITIGATION EFFORTS; AND

14 C. UNDERTAKE RESEARCH PROJECTS OR STUDIES TO BETTER UNDERSTAND HOW  
15 FLOODING AFFECTS THE GEOGRAPHY AND THE POPULATION OF THIS STATE; AND

16 D. MAKE RECOMMENDATIONS TO THE GOVERNOR AND THE STATE LEGISLATURE ON  
17 HOW THE STATE CAN BEST USE ITS RESOURCES TO ASSIST FLOOD-PRONE COUNTIES  
18 AND MUNICIPALITIES TO PREVENT OR MITIGATE THE EFFECTS OF FLOODING.

19 S 4. This act shall take effect on the first of January next succeed-  
20 ing the date on which it shall have become law.