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

198

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. LATIMER, BRODSKY, GORDON, GUNTHER, FIELDS, MARKEY, SCHIMEL, LANCMAN, LUPARDO, PAULIN -- Multi-Sponsored by -- M. of A. GREENE, V. LOPEZ, MAISEL, McENENY, PHEFFER, REILLY, WEINSTEIN -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to enacting the New York state comprehensive flood mitigation grant act; making an appropriation therefor and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Short title. This act shall be known and may be cited as the "New York state comprehensive flood mitigation grant act."

S 2. The environmental conservation law is amended by adding a new section 16-0121 to read as follows:

S 16-0121. COMPREHENSIVE FLOOD MITIGATION GRANT PROGRAM.

1. THE COMMISSIONER SHALL ESTABLISH A PROGRAM WHICH SHALL BE KNOWN AS THE "COMPREHENSIVE FLOOD MITIGATION GRANT PROGRAM." THE PURPOSE OF THIS PROGRAM IS TO AID MUNICIPALITIES WITH POPULATIONS LESS THAN ONE MILLION PEOPLE TO IMPLEMENT FLOOD MITIGATION PLANS.

2. SUBJECT TO THE APPROVAL OF THE COMMISSIONER, THE DEPARTMENT MAY PROVIDE GRANTS TO MUNICIPALITIES AS DEFINED IN SUBDIVISION ONE OF THIS SECTION FOR FLOOD CONTROL AND WATERSHED MANAGEMENT PROJECTS, AND FOR THE CAPITAL COSTS RELATED TO THE DESIGN, PURCHASE AND INSTALLATION OF AUTOMATED FLOOD WARNING PROJECTS, PROVIDED THAT THE PROJECTS ARE CONSISTENT WITH THE PLANS AND IMPLEMENTATION PREPARED AND ADOPTED IN ACCORDANCE WITH THIS SECTION AND PROVIDED FURTHER THAT EACH PROJECT: (A) IS UNDERTAKEN AS PART OF A COMPREHENSIVE FLOOD MANAGEMENT PLAN PREPARED AND ADOPTED BY SUCH MUNICIPALITY; AND (B) IS NOT INCONSISTENT WITH ANY STATE INTERJURISDICTIONAL FLOOD MANAGEMENT PLAN.

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

LBD01142-01-9

3. THE COMMISSIONER SHALL HAVE THE POWER TO SET GUIDELINES AND PARAMETERS FOR ANY PROJECTS UNDER CONSIDERATION. THE COMMISSIONER SHALL HAVE POWER TO SET GRANT APPLICATION PROCEDURES. ANY COMPREHENSIVE FLOOD MANAGEMENT PLAN WHICH INCLUDES A PROJECT FOR WHICH GRANT FUNDS ARE REQUESTED UNDER THIS SECTION IS SUBJECT TO REVIEW AND APPROVAL BY THE DEPARTMENT. IF THE PLAN IS DISAPPROVED, THE COMMISSIONER SHALL SET FORTH IN WRITING THE REASON FOR DISAPPROVAL. DISAPPROVAL OF A PLAN SHALL BE BASED ONLY ON FLOOD MANAGEMENT CONSIDERATIONS.

4. THE DEPARTMENT AND ELIGIBLE MUNICIPALITIES SHALL COORDINATE ACTIVITIES UNDER THIS SECTION WITH ALL RELATED STATE AND FEDERAL FLOOD PROGRAMS.

S 3. The sum of five million dollars ($5,000,000) is hereby appropriated to the department of environmental conservation out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the commissioner of the department of environmental conservation in the manner prescribed by law.

S 4. A study shall be taken by the department of environmental conservation pursuant to section 8-0109 of the environmental conservation law. A report of how such department will set up projects and implement rules shall be delivered to the legislature no later than 90 days after the effective date of this section.

S 5. This act shall take effect on the one hundred twentieth day after it shall have become a law and shall expire and be deemed repealed December 31, 2020.