

6503

2013-2014 Regular Sessions

I N A S S E M B L Y

April 4, 2013

Introduced by M. of A. *MAYER, SCHIMEL, BUCHWALD, CROUCH, ENGLEBRIGHT, GABRYSZAK, JAFFEE, LAVINE, ORTIZ, RAI, SKARTADOS, SKOUFIS, OTIS* -- Multi-Sponsored by -- M. of A. *BRENNAN, COOK, GUNTHER, PERRY, RIVERA, SALADINO, THIELE, WEISENBERG* -- 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:

- 1 Section 1. Short title. This act shall be known and may be cited as  
2 the "New York state comprehensive flood mitigation grant act".  
3 S 2. The environmental conservation law is amended by adding a new  
4 section 16-0121 to read as follows:  
5 S 16-0121. COMPREHENSIVE FLOOD MITIGATION GRANT PROGRAM.  
6 1. THE COMMISSIONER SHALL ESTABLISH A PROGRAM WHICH SHALL BE KNOWN AS  
7 THE "COMPREHENSIVE FLOOD MITIGATION GRANT PROGRAM". THE PURPOSE OF THIS  
8 PROGRAM IS TO AID MUNICIPALITIES WITH A POPULATION OF LESS THAN ONE  
9 MILLION PEOPLE TO IMPLEMENT FLOOD MITIGATION PLANS.  
10 2. (A) THE COMMISSIONER SHALL ESTABLISH THE ELIGIBILITY CRITERIA AND  
11 DEVELOP AN APPLICATION PROCESS TO AWARD GRANTS TO MUNICIPALITIES FOR  
12 FLOOD CONTROL AND WATERSHED MANAGEMENT PROJECTS; AND FOR THE CAPITAL  
13 COSTS RELATED TO THE DESIGN, PURCHASE AND INSTALLATION OF FLOOD WARNING  
14 PROJECTS, FLOOD MITIGATION PROJECTS, FLOOD RELIEF PROJECTS OR OTHER  
15 RELATED PROJECTS.  
16 (B) THE COMMISSIONER MAY APPROVE ANY APPLICATION IN WHICH THE PROJECTS  
17 DESCRIBED IN THE APPLICATION ARE (I) CONSISTENT WITH THE ELIGIBILITY  
18 CRITERIA ESTABLISHED BY THE COMMISSIONER PURSUANT TO PARAGRAPH (A) OF  
19 THIS SUBDIVISION; (II) UNDERTAKEN AS PART OF A COMPREHENSIVE FLOOD  
20 MANAGEMENT PLAN PREPARED AND ADOPTED BY SUCH MUNICIPALITY OR PART OF A

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

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1 MULTI-MUNICIPAL PROJECT AS DESCRIBED IN SUBDIVISION THREE OF THIS  
2 SECTION; AND (III) NOT INCONSISTENT WITH ANY STATE-WIDE FLOOD MANAGEMENT  
3 PLAN.

4 (C) IF AN APPLICATION IS DISAPPROVED, THE COMMISSIONER SHALL SET FORTH  
5 IN WRITING THE REASON FOR DISAPPROVAL.

6 3. RECOGNIZING THAT FLOOD MITIGATION EFFORTS FREQUENTLY CROSS OVER  
7 MUNICIPAL BOUNDARIES, THE COMMISSIONER SHALL ENCOURAGE MUNICIPALITIES TO  
8 FILE JOINT APPLICATIONS FOR THE FUNDING OF MULTI-MUNICIPAL PROJECTS.  
9 SUCH PROJECTS SHALL REQUIRE THAT ONE OR MORE ADJACENT MUNICIPALITIES  
10 JOINTLY AGREE TO APPLY FOR CAPITAL FUNDING FOR PROJECTS THAT IMPACT TWO  
11 OR MORE MUNICIPALITIES, PROVIDED THAT THE GOVERNING BODY OF EACH MUNICI-  
12 PALITY SHALL APPROVE THE MULTI-MUNICIPAL APPLICATION.

13 4. THE DEPARTMENT AND ELIGIBLE MUNICIPALITIES SHALL COORDINATE ACTIV-  
14 ITIES UNDER THIS SECTION WITH ALL RELATED STATE AND FEDERAL FLOOD  
15 PROGRAMS.

16 S 3. The sum of ten million dollars (\$10,000,000) is hereby appropri-  
17 ated to the department of environmental conservation out of any moneys  
18 in the state treasury in the general fund to the credit of the state  
19 purposes account, not otherwise appropriated, and made immediately  
20 available, for the purpose of carrying out the provisions of this act.  
21 Such moneys shall be payable on the audit and warrant of the comptroller  
22 on vouchers certified or approved by the commissioner of the department  
23 of environmental conservation in the manner prescribed by law.

24 S 4. This act shall take effect on the one hundred twentieth day after  
25 it shall have become a law and shall expire and be deemed repealed  
26 December 31, 2023.