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

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, RAIA, 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:

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 A POPULATION OF LESS THAN ONE MILLION PEOPLE TO IMPLEMENT FLOOD MITIGATION PLANS.

2. (A) THE COMMISSIONER SHALL ESTABLISH THE ELIGIBILITY CRITERIA AND DEVELOP AN APPLICATION PROCESS TO AWARD GRANTS TO MUNICIPALITIES FOR FLOOD CONTROL AND WATERSHED MANAGEMENT PROJECTS; AND FOR THE CAPITAL COSTS RELATED TO THE DESIGN, PURCHASE AND INSTALLATION OF FLOOD WARNING PROJECTS, FLOOD MITIGATION PROJECTS, FLOOD RELIEF PROJECTS OR OTHER RELATED PROJECTS.

(B) THE COMMISSIONER MAY APPROVE ANY APPLICATION IN WHICH THE PROJECTS DESCRIBED IN THE APPLICATION ARE (I) CONSISTENT WITH THE ELIGIBILITY CRITERIA ESTABLISHED BY THE COMMISSIONER PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION; (II) UNDERTAKEN AS PART OF A COMPREHENSIVE FLOOD 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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MULTI-MUNICIPAL PROJECT AS DESCRIBED IN SUBDIVISION THREE OF THIS SECTION; AND (III) NOT INCONSISTENT WITH ANY STATE-WIDE FLOOD MANAGEMENT PLAN.

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

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

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 ten million dollars ($10,000,000) 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. 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, 2023.