



1 3. "FLOOD EVENT" MEANS AN OVERFLOW OR INUNDATION THAT COMES FROM A  
2 RIVER OR OTHER BODY OF WATER, WHETHER CAUSED BY RAINFALL, WATERWAY OPER-  
3 ATION, DAM BREAK, WATER RUNOFF OR OTHER MEANS, AND CAUSES OR THREATENS  
4 DAMAGE.

5 4. "CANAL SYSTEM" SHALL MEAN THE CANAL WATERWAYS, LANDS AND INFRAS-  
6 TRUCTURE AS SET OUT IN SECTION TWO OF THIS CHAPTER.

7 5. "UPSTATE FLOOD MITIGATION REGION" SHALL INCLUDE A COUNTY, EXCEPT A  
8 COUNTY WHOLLY ENCOMPASSED BY A CITY AND ANY COUNTY WITH A POPULATION OF  
9 ONE MILLION OR MORE.

10 S 139-B. TASK FORCE COMPOSITION. 1. THE TASK FORCE SHALL CONSIST OF  
11 THE DIRECTOR OF THE CANAL CORPORATION, THE COMMISSIONER OF TRANSPORTA-  
12 TION, THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
13 SERVICES AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION; AND FIVE  
14 ADDITIONAL MEMBERS WHO SHALL BE FROM OUTSIDE THE PUBLIC OFFICES LISTED  
15 IN THIS SECTION AND WHO SHALL HAVE PROFESSIONAL EXPERIENCE IN THE FIELDS  
16 OF HYDROLOGY, CIVIL ENGINEERING, CLIMATOLOGY, EMERGENCY MANAGEMENT AND  
17 SOIL AND WATER CONSERVATION. THE GOVERNOR SHALL APPOINT THREE OF THE  
18 FIVE ADDITIONAL MEMBERS AND THE TEMPORARY PRESIDENT OF THE SENATE AND  
19 SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT ONE OF EACH OF THE FIVE ADDI-  
20 TIONAL MEMBERS.

21 2. THE TASK FORCE SHALL APPOINT A CHAIRPERSON FROM AMONG ITS MEMBERS.

22 3. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR  
23 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES  
24 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

25 4. TO HELP ENSURE THE TASK FORCE'S RECEIPT OF A COMPREHENSIVE AND  
26 DIVERSE ARRAY OF VIEWS, THE TASK FORCE SHALL HOLD PUBLIC HEARINGS AS IT  
27 DEEMS NECESSARY TO SOLICIT RELEVANT INFORMATION AND GATHER CURRENT  
28 RESEARCH AND DATA RELATED TO FLOODING AND FLOOD MITIGATION IN THE REGION  
29 AS WELL AS RECOMMENDATIONS TO FULFILL THE PURPOSES OF THIS ARTICLE. THE  
30 TASK FORCE SHALL CONSULT WITH THE COUNTY OFFICES OF EMERGENCY MANAGE-  
31 MENT, COUNTY SOIL AND WATER CONSERVATION DISTRICTS AND ALL OTHER FEDER-  
32 AL, STATE AND LOCAL ENTITIES IT DEEMS NECESSARY TO FULFILL THE PURPOSES  
33 OF THIS ARTICLE. IN DETERMINING THE NUMBER OF PUBLIC HEARINGS TO BE  
34 HELD THE TASK FORCE SHALL REMAIN COGNIZANT OF ITS DUTY TO MEET THE TIME-  
35 FRAME FOR FIRST CYCLE AWARDS UNDER THE UPSTATE FLOOD MITIGATION PROGRAM  
36 ESTABLISHED WITHIN SECTION ONE HUNDRED THIRTY-NINE-D OF THIS ARTICLE.

37 S 139-C. TASK FORCE DUTIES AND POWERS. THE ROLE OF THE TASK FORCE  
38 INCLUDES, BUT IS NOT LIMITED TO:

39 1. CONDUCTING AN IN-DEPTH EXAMINATION, PRESENTED AS A PUBLIC REPORT NO  
40 LATER THAN SIX MONTHS FROM THE DATE THE TASK FORCE IS ESTABLISHED, OF  
41 FLOOD CONTROL STUDY SECTORS AND ISSUES RELATED TO FLOODPLAIN MANAGEMENT,  
42 DEBRIS MANAGEMENT, FLOOD CONTROL AND FLOOD MITIGATION IN THE UPSTATE  
43 FLOOD MITIGATION REGION INCLUDING:

44 (A) THE COST IMPACT OF FLOODING OVER THE LAST FIVE YEARS ON AGRICUL-  
45 TURE; TRANSPORTATION; LAND USE; HEALTH; INSURANCE; ECONOMIC SECTORS SUCH  
46 AS TOURISM, RECREATION AND POWER GENERATION; AS WELL AS IMPACTS ON  
47 INFRASTRUCTURE INCLUDING BRIDGES, LOW LYING ROADS, DAMS, LOCKS, CAUSE-  
48 WAYS, WATER AND WASTEWATER TREATMENT PLANTS AND DOCKS;

49 (B) AN ASSESSMENT OF CANAL OPERATION PROCEDURES AND PLANS WHICH MAY  
50 HAVE A DIRECT OR INDIRECT IMPACT ON FLOOD MITIGATION AND FLOOD MANAGE-  
51 MENT INCLUDING, BUT NOT LIMITED TO DEBRIS MANAGEMENT, COMMUNICATION,  
52 WATER MANAGEMENT AND FLOOD RESPONSE; AND

53 (C) A LISTING OF ADAPTIVE MEASURES, WITH ASSOCIATED COSTS, THAT CAN BE  
54 TAKEN TO MITIGATE FLOOD DAMAGES, INCLUDING BUT NOT LIMITED TO FEASIBLE  
55 FLOODPLAIN MANAGEMENT ACTIVITIES, DEBRIS MANAGEMENT, FLOOD CONTROL

STRUCTURES, COMMUNICATION SYSTEMS AND FLOOD MITIGATION EDUCATION FOR PUBLIC AND PRIVATE LANDOWNERS.

2. ESTABLISHING AN UPSTATE FLOOD MITIGATION GRANT PROGRAM BASED ON THE TASK FORCE'S EVALUATION PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-D OF THIS ARTICLE WHICH UTILIZES EXISTING AVAILABLE FEDERAL AND STATE MONIES TO FUND GRANTS WITHIN THE UPSTATE FLOOD MITIGATION REGION TO PREVENT AND MITIGATE FLOOD DAMAGE WITHIN THE REGION. SUCH PROGRAM SHALL WORK IN CONJUNCTION WITH EXISTING FLOOD ASSISTANCE GRANT PROGRAMS AND SUPPLEMENT EXISTING EFFORTS BY PROVIDING FUNDS FOR ADAPTIVE MEASURES TO MITIGATE OR ELIMINATE A FLOOD EVENT.

3. THE TASK FORCE SHALL HAVE THE POWER TO: (A) CONTRACT FOR PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE; (B) CONTRACT FOR AND ACCEPT ASSISTANCE INCLUDING, BUT NOT LIMITED TO GIFTS, GRANTS, EASEMENTS, AND LOANS OF FUNDS, REAL PROPERTY AND PERSONAL PROPERTY FROM THE FEDERAL GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY OF THE STATE, OR FROM ANY OTHER PUBLIC OR PRIVATE SOURCE TO COMPLY, SUBJECT TO THE PROVISIONS OF THIS ARTICLE, WITH THE TERMS AND CONDITIONS THEREOF, SUBJECT TO THE APPROVAL OF THE DIVISION OF BUDGET. NOTWITHSTANDING THE PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW, THE TASK FORCE MAY ACCEPT GIFTS, GRANTS, DEVICES AND BEQUESTS, WHETHER CONDITIONAL OR UNCONDITIONAL WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET; (C) HOLD PUBLIC HEARINGS; AND (D) ESTABLISH AN UPSTATE FLOOD MITIGATION GRANT PROGRAM TO BE ADMINISTERED BY THE CANAL CORPORATION AND BASED ON THE TASK FORCE'S EVALUATION WHICH UTILIZES EXISTING AVAILABLE FEDERAL AND STATE MONIES TO FUND GRANTS WITHIN THE UPSTATE FLOOD MITIGATION REGION TO PREVENT AND MITIGATE FLOOD DAMAGE WITHIN THE REGION.

4. ALL EXECUTIVE DEPARTMENTS OF THE STATE AND THE CANAL CORPORATION SHALL PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE AND DATA AS WILL ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF SHALL, AT THE REQUEST OF THE CHAIR, PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE, AND DATA AS WILL ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES.

S 139-D. UPSTATE FLOOD MITIGATION GRANT PROGRAM. 1. THE TASK FORCE SHALL ESTABLISH AN UPSTATE FLOOD MITIGATION GRANT PROGRAM TO BE ADMINISTERED BY THE CANAL CORPORATION BASED ON THE TASK FORCE'S IN-DEPTH EXAMINATION OF FLOOD CONTROL STUDY SECTORS AND ISSUES RELATED TO FLOODPLAIN MANAGEMENT, DEBRIS MANAGEMENT, FLOOD CONTROL AND FLOOD MITIGATION IN THE UPSTATE FLOOD MITIGATION REGION.

2. THE TASK FORCE SHALL ESTABLISH THE UPSTATE FLOOD MITIGATION GRANT PROGRAM STRUCTURE THAT SHALL BE ADMINISTERED BY THE CANAL CORPORATION. SUCH PROGRAM STRUCTURE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DEFINITION OF ELIGIBLE RECIPIENTS, PROJECT APPLICATION PROCESS, PROGRAM MAXIMUM PROJECT AWARD AMOUNTS, PROJECT COST SHARING PARAMETERS AND PROGRAM FUNDING CYCLES. IT IS FURTHER PROVIDED, HOWEVER, THAT THE FIRST FUNDING CYCLE UNDER THIS PROGRAM SHALL BE AVAILABLE FOR AWARD TO GRANT RECIPIENTS DURING THE TWO THOUSAND FOURTEEN-FIFTEEN STATE FISCAL YEAR.

S 2. The state finance law is amended by adding a new section 99-v to read as follows:

S 99-V. UPSTATE FLOOD MITIGATION FUND. 1. THERE IS HEREBY CREATED IN THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE STATE COMPTROLLER A FUND TO BE KNOWN AS THE "UPSTATE FLOOD MITIGATION FUND".

2. THE UPSTATE FLOOD MITIGATION FUND SHALL CONSIST OF MONIES TRANSFERRED ANNUALLY BY THE DIRECTOR OF THE BUDGET FROM EXISTING AVAILABLE

1 FEDERAL AND STATE FUNDS PURSUANT TO A FIVE-YEAR SCHEDULE ESTABLISHED  
2 WITHIN THE TWO THOUSAND FOURTEEN-FIFTEEN EXECUTIVE BUDGET.

3 3. MONEYS IN THE FUND SHALL BE KEPT SEPARATE FROM AND SHALL NOT BE  
4 COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF  
5 TAXATION AND FINANCE AND THE STATE COMPTROLLER. ALL DEPOSITS OF SUCH  
6 MONEY SHALL, IF REQUIRED BY THE COMPTROLLER, BE SECURED BY OBLIGATIONS  
7 OF THE UNITED STATES OR OF THE STATE OF MARKET VALUE EQUAL AT ALL TIMES  
8 TO THE AMOUNT OF THE DEPOSIT AND ALL BANKS AND TRUST COMPANIES ARE  
9 AUTHORIZED TO GIVE SUCH SECURITIES FOR DEPOSIT.

10 4. MONEYS OF THE FUND SHALL BE AVAILABLE FOR THE FINANCING OF GRANTS  
11 MADE UNDER THE UPSTATE FLOOD MITIGATION PROGRAM AS ESTABLISHED IN  
12 SECTION ONE HUNDRED THIRTY-NINE-D OF THE CANAL LAW.

13 S 3. 1. The appointment of upstate flood mitigation task force members  
14 shall be completed within one month of the effective date of this act.

15 2. The task force shall complete the duties required under sections  
16 139-c and 139-d of the canal law, within six months of the appointment  
17 of task force members.

18 S 4. This act shall take effect immediately; provided that sections  
19 139, 139-b and 139-c of the canal law, as added by section one of this  
20 act, shall expire and be deemed repealed on March 31, 2015.