

4607

2013-2014 Regular Sessions

I N S E N A T E

April 15, 2013

Introduced by Sen. SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

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

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

LBD08495-05-3

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

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

10 4. THE DEPARTMENT AND ELIGIBLE MUNICIPALITIES SHALL COORDINATE ACTIV-
11 ITIES UNDER THIS SECTION WITH ALL RELATED STATE AND FEDERAL FLOOD
12 PROGRAMS.

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

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22 it shall have become a law and shall expire and be deemed repealed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