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

S. 5182--A A. 7352--A

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

May 6, 2015

IN SENATE -- Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to establishing the disaster-related latent damage recovery grant program

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

Section 1. The executive law is amended by adding a new section 719 to read as follows:

S 719. DISASTER-RELATED LATENT DAMAGE RECOVERY GRANT PROGRAM. 1. THERE IS HEREBY ESTABLISHED THE DISASTER-RELATED LATENT DAMAGE RECOVERY GRANT PROGRAM TO BE ADMINISTERED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

2. PROJECTS ELIGIBLE FOR PROGRAM GRANTS SHALL BE LIMITED TO PROJECTS TO REPAIR LATENT DAMAGE TO PUBLIC INFRASTRUCTURE, INCLUDING PUBLICLY-OWNED ROADS, BRIDGES, DRAINAGE AND FLOOD MITIGATION SYSTEMS, ELECTRICAL AND MECHANICAL SYSTEMS AND COMMUNICATION SYSTEMS, AND ANY ANCILLARY INFRASTRUCTURE NECESSARY FOR THE SAFE OPERATION OF THE COMPONENTS THEREOF, WHERE SUCH DAMAGE WAS THE RESULT OF A NATURAL DISASTER FOR WHICH THE GOVERNOR OF THE STATE OF NEW YORK MADE A DECLARATION OF A STATE OF EMERGENCY. FOR PURPOSES OF THIS SECTION, "LATENT DAMAGE" SHALL BE DEFINED AS DAMAGE THAT WAS NOT REASONABLY APPARENT DURING ANY INITIAL DAMAGE ASSESSMENTS. IN NO EVENT SHALL GRANTS BE AWARDED FOR, NOR SHALL

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

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GRANT MONEY BE USED FOR, INFRASTRUCTURE REPAIRS THAT ARE REQUIRED DUE TO NORMAL USE AND WEAR AND TEAR.

3. THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL ESTABLISH PROCEDURES FOR RECEIPT OF APPLICATIONS FROM MUNICIPALITIES AND FOR THE ISSUANCE OF GRANTS AUTHORIZED BY THIS SECTION WITHIN AVAILABLE APPROPRIATIONS. APPLICATION FOR SUCH GRANTS SHALL BE SUBMITTED NO MORE THAN SEVEN YEARS, BUT NO LESS THAN ONE YEAR, AFTER THE GOVERNOR'S DECLARATION OF THE STATE OF EMERGENCY THAT RENDERS A MUNICIPALITY ELIGIBLE FOR GRANTS AUTHORIZED BY THIS SECTION. IN NO EVENT SHALL GRANTS EXCEED TEN PERCENT OF THE SUM OF ANY STATE OR FEDERAL DISASTER ASSISTANCE MONIES GRANTED TO A MUNICIPALITY AS A RESULT OF A NATURAL DISASTER THAT WERE AWARDED PRIOR TO AN APPLICATION FOR A GRANT STEMMING FROM THE SAME NATURAL DISASTER. IN NO EVENT SHALL A MUNICIPALITY RECEIVE A GRANT IN EXCESS OF TEN MILLION DOLLARS IN A GIVEN CALENDAR YEAR.

4. FUNDING FOR SUCH PROGRAM SHALL CONSIST OF ALL REVENUE RECEIVED PURSUANT TO AN APPROPRIATION THERETO, AND ALL OTHER MONIES APPROPRIATED, CREDITED OR TRANSFERRED FROM ANY OTHER SOURCE PURSUANT TO LAW. NOTHING IN THIS SECTION SHALL BE DEEMED TO PREVENT THE STATE FROM RECEIVING GRANTS, GIFTS OR BEQUESTS FOR THE PURPOSE OF THE PROGRAM. GRANTS SHALL ONLY BE AWARDED BASED UPON THE AVAILABILITY OF FUNDS.

S 2. This act shall take effect on April 1, 2016; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.