

5161

2015-2016 Regular Sessions

I N   S E N A T E

May 5, 2015

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Introduced by Sen. O'MARA -- (at request of the Department of State) --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Environmental Conservation

AN ACT to amend the environment conservation law and the executive law,  
in relation to authorizing the department of state to provide addi-  
tional technical assistance to municipalities developing local water-  
front revitalization programs and to increase the state allowable  
share of associated costs

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

1     Section 1. Subdivision 1 of section 54-1101 of the environmental  
2 conservation law, as amended by chapter 355 of the laws of 2014, is  
3 amended to read as follows:  
4     1. The secretary is authorized to provide on a competitive basis,  
5 within amounts appropriated, state assistance payments AND/OR TECHNICAL  
6 ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local  
7 waterfront revitalization program, including planning projects to miti-  
8 gate future physical climate risks. Eligible costs include planning,  
9 studies, preparation of local laws, and construction projects.  
10     S 2. Subdivision 2 of section 54-1101 of the environmental conserva-  
11 tion law, as amended by chapter 309 of the laws of 1996, is amended to  
12 read as follows:  
13     2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not  
14 exceed [fifty] SEVENTY-FIVE percent of the cost of the program, EXCEPT  
15 WHERE THE MUNICIPALITY IS SUBJECT TO SIGNIFICANT OR MODERATE FISCAL  
16 STRESS AS IDENTIFIED BY THE STATE COMPTROLLER, IN WHICH CASE STATE  
17 ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE SHALL NOT EXCEED NINETY  
18 PERCENT OF THE COST OF THE PROGRAM. For the purpose of determining the  
19 amount of state assistance payments, THE costs shall not be more than  
20 the amount set forth in the application for state assistance payments  
21 approved by the secretary. The state assistance payments shall be paid

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

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1 on audit and warrant of the state comptroller on a certificate of avail-  
2 ability of the director of the budget.

3 S 3. Subdivisions 3, 4 and 5 of section 54-1101 of the environmental  
4 conservation law are renumbered subdivisions 4, 5 and 6 and a new subdi-  
5 vision 3 is added to read as follows:

6 3. THE SECRETARY IS AUTHORIZED TO PROVIDE ON A NONCOMPETITIVE BASIS,  
7 WITHIN AMOUNTS APPROPRIATED, STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL  
8 ASSISTANCE TOWARD THE UPDATE OF PLANNING PROJECTS THAT HAVE BEEN PREVI-  
9 OUSLY AWARDED STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE  
10 UNDER SUBDIVISION ONE OF THIS SECTION. SUCH PAYMENTS MAY BE USED FOR  
11 UPDATES DESIGNED TO MITIGATE FUTURE PHYSICAL CLIMATE RISKS.

12 S 4. Section 912 of the executive law is amended by adding a new  
13 subdivision 17 to read as follows:

14 17. TO ENCOURAGE STATE AGENCIES AND LOCAL GOVERNMENTS TO CONSIDER  
15 PHYSICAL CLIMATE RISKS IN PLANNING AND DEVELOPMENT EFFORTS.

16 S 5. Subdivision 1 of section 918 of the executive law, as added by  
17 chapter 840 of the laws of 1981, is amended to read as follows:

18 1. The secretary may enter into a contract or contracts for grants OR  
19 PAYMENTS to be made, within the limits of any appropriations therefor,  
20 for the following:

21 a. To any local governments, or to two or more local governments, for  
22 projects approved by the secretary which lead to preparation of a water-  
23 front revitalization program; provided, however, that such grants OR  
24 PAYMENTS shall not exceed [fifty] SEVENTY-FIVE percent of the approved  
25 cost of such projects, EXCEPT WHERE EACH LOCAL GOVERNMENT IS SUBJECT TO  
26 SIGNIFICANT OR MODERATE FISCAL STRESS AS IDENTIFIED BY THE STATE COMP-  
27 TROLLER, IN WHICH CASE SUCH GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY  
28 PERCENT OF THE APPROVED COST OF SUCH PROJECTS;

29 b. TO SERVICE PROVIDERS, ON BEHALF OF AND IN CONSULTATION WITH ANY  
30 LOCAL GOVERNMENTS OR TWO OR MORE LOCAL GOVERNMENTS, FOR PROJECTS  
31 APPROVED BY THE SECRETARY WHICH LEAD TO PREPARATION OF A WATERFRONT  
32 REVITALIZATION PROGRAM; HOWEVER, THAT SUCH GRANTS OR PAYMENTS SHALL NOT  
33 EXCEED SEVENTY-FIVE PERCENT OF THE APPROVED COST OF SUCH PROJECTS,  
34 EXCEPT WHERE EACH LOCAL GOVERNMENT IS SUBJECT TO SIGNIFICANT OR MODERATE  
35 FISCAL STRESS AS IDENTIFIED BY THE STATE COMPTROLLER, IN WHICH CASE SUCH  
36 GRANTS OR PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE APPROVED COST  
37 OF SUCH PROJECTS;

38 c. To any local government or local government agency for research,  
39 design, and other activities which serve to facilitate construction  
40 projects provided for in an approved waterfront revitalization program;  
41 provided, however, that such grants OR PAYMENTS shall not exceed ten  
42 percent of the estimated cost of such construction project.

43 S 6. This act shall take effect immediately.