

S. 5182

A. 7352

2015-2016 Regular Sessions

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

May 6, 2015

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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

IN ASSEMBLY -- Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Governmental Operations

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:

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

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

7     2. PROJECTS ELIGIBLE FOR PROGRAM GRANTS SHALL BE LIMITED TO PROJECTS  
8     TO REPAIR LATENT DAMAGE TO PUBLIC INFRASTRUCTURE, INCLUDING  
9     PUBLICLY-OWNED ROADS, BRIDGES, DRAINAGE AND FLOOD MITIGATION SYSTEMS,  
10    ELECTRICAL AND MECHANICAL SYSTEMS AND COMMUNICATION SYSTEMS, AND ANY  
11    ANCILLARY INFRASTRUCTURE NECESSARY FOR THE SAFE OPERATION OF THE COMPO-  
12    NENTS THEREOF, WHERE SUCH DAMAGE WAS THE RESULT OF A NATURAL DISASTER  
13    FOR WHICH THE GOVERNOR OF THE STATE OF NEW YORK MADE A DECLARATION OF A  
14    STATE OF EMERGENCY, AND WHERE SUCH DAMAGE WAS NOT APPARENT DURING ANY  
15    INITIAL DAMAGE ASSESSMENTS OR NOT FULLY ADDRESSED BY SUCH ASSESSMENTS.  
16    IN NO EVENT SHALL GRANTS TO AWARDED FOR, NOR SHALL GRANT MONEY BE USED  
17    FOR, INFRASTRUCTURE REPAIRS THAT ARE REQUIRED DUE TO NORMAL USE AND WEAR  
18    AND TEAR.

19    3. THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY  
20    SERVICES SHALL ESTABLISH PROCEDURES FOR RECEIPT OF APPLICATIONS FROM  
21    MUNICIPALITIES AND FOR THE ISSUANCE OF GRANTS AUTHORIZED BY THIS

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

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1 SECTION. APPLICATION FOR SUCH GRANTS SHALL BE SUBMITTED NO MORE THAN  
2 SEVEN YEARS, BUT NO LESS THAN ONE YEAR, AFTER THE GOVERNOR'S DECLARATION  
3 OF THE STATE OF EMERGENCY THAT RENDERS A MUNICIPALITY ELIGIBLE FOR  
4 GRANTS AUTHORIZED BY THIS SECTION. IN NO EVENT SHALL GRANTS EXCEED TEN  
5 PERCENT OF THE SUM OF ANY STATE OR FEDERAL DISASTER ASSISTANCE MONIES  
6 GRANTED TO A MUNICIPALITY AS A RESULT OF A NATURAL DISASTER THAT WERE  
7 AWARDED PRIOR TO AN APPLICATION FOR A GRANT STEMMING FROM THE SAME  
8 NATURAL DISASTER. IN NO EVENT SHALL A MUNICIPALITY RECEIVE A GRANT IN  
9 EXCESS OF TEN MILLION DOLLARS IN A GIVEN CALENDAR YEAR.

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

16 S 2. This act shall take effect on the one hundred eightieth day after  
17 it shall have become a law; provided, however, that effective immediate-  
18 ly, the addition, amendment and/or repeal of any rule or regulation  
19 necessary for the implementation of this act on its effective date is  
20 authorized and directed to be made and completed on or before such  
21 effective date.