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

5161

2015-2016 Regular Sessions

I N S E N A T E

May 5, 2015

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 additional technical assistance to municipalities developing local waterfront revitalization programs and to increase the state allowable share of associated costs

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

Section 1. Subdivision 1 of section 54-1101 of the environmental conservation law, as amended by chapter 355 of the laws of 2014, is amended to read as follows:

1. The secretary is authorized to provide on a competitive basis, within amounts appropriated, state assistance payments AND/OR TECHNICAL ASSISTANCE to municipalities toward the [cost] DEVELOPMENT of any local waterfront revitalization program, including planning projects to mitigate future physical climate risks. Eligible costs include planning, studies, preparation of local laws, and construction projects.

S 2. Subdivision 2 of section 54-1101 of the environmental conservation law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

2. State assistance payments AND/OR TECHNICAL ASSISTANCE shall not exceed [fifty] SEVENTY-FIVE percent of the cost of the program, EXCEPT WHERE THE MUNICIPALITY IS SUBJECT TO SIGNIFICANT OR MODERATE FISCAL STRESS AS IDENTIFIED BY THE STATE COMPTROLLER, IN WHICH CASE STATE ASSISTANCE PAYMENTS AND/OR TECHNICAL ASSISTANCE SHALL NOT EXCEED NINETY PERCENT OF THE COST OF THE PROGRAM. For the purpose of determining the amount of state assistance payments, THE costs shall not be more than the amount set forth in the application for state assistance payments 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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on audit and warrant of the state comptroller on a certificate of availability of the director of the budget.

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

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

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

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

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

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

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

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

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

S 6. This act shall take effect immediately.