

# STATE OF NEW YORK

6716--B

2017-2018 Regular Sessions

## IN ASSEMBLY

March 16, 2017

Introduced by M. of A. STIRPE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the canal law, in relation to the upstate flood mitigation task force; 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:

Section 1. The canal law is amended by adding a new article 13-B to read as follows:

### ARTICLE XIII-B

#### UPSTATE FLOOD MITIGATION TASK FORCE

#### Section 139. Upstate flood mitigation task force.

##### 139-a. Definitions.

##### 139-b. Task force composition.

##### 139-c. Task force duties and powers.

##### 139-d. Upstate flood mitigation grant program.

§ 139. Upstate flood mitigation task force. The upstate flood mitigation task force, referred to in this article as the "task force", is hereby established to identify reasonable measures that can be taken to enhance flood management and mitigation in the upstate flood mitigation region and to make recommendations and provide grant assistance with respect to such measures.

##### § 139-a. Definitions. When used in this article:

1. "Adaptive measures" means any adjustment, whether passive, reactive or anticipatory, that may be taken to ameliorate the anticipated adverse consequences associated with flood events.

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

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2. "Flood control study sector" means a particular aspect of the natural or built environment, economy, or society that could potentially be adversely impacted by flood events. Such term includes, but is not limited to, stream and river banks, locks and dams, wetlands and water-front areas, water resources, transportation infrastructure, water supply and wastewater infrastructure, human health, recreation, tourism, power generation and business, residential, farm and municipal sectors.

3. "Flood event" means an overflow or inundation that comes from a river or other body of water, whether caused by rainfall, waterway operation, dam break, water runoff or other means, and causes or threatens damage.

4. "Canal system" shall mean the canal waterways, lands and infrastructure as set out in section two of this chapter.

5. "Upstate flood mitigation region" or "region" shall include a county, except a county wholly encompassed by a city and any county with a population of one million or more.

§ 139-b. Task force composition. 1. The task force shall consist of nine members, including the director of the canal corporation, the commissioner of transportation, the director of the division of homeland security and emergency services and the commissioner of environmental conservation; and five additional members who shall be from outside the public offices listed in this section and who shall have professional experience in one of the following fields: hydrology, civil engineering, climatology, emergency management and soil and water conservation. Three of the additional members shall be appointed by the governor and one each of the remaining additional members shall be appointed by the temporary president of the senate and the speaker of the assembly.

2. The task force shall appoint a chairperson from among its members.

3. The members of the task force shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties.

§ 139-c. Task force duties and powers. The role of the task force shall include but not be limited to:

1. Conducting an in-depth examination, presented as a public report no later than six months from the date the task force is established, of flood control study sectors and issues related to floodplain management, debris management, flood control and flood mitigation in the upstate flood mitigation region including:

(a) the cost or impact of flooding over the last five years to agriculture; transportation; land use; public health; insurance; economic sectors such as tourism, recreation and power generation; as well as impacts on infrastructure including bridges, low lying roads, dams, locks, roads, water and wastewater treatment plants and docks;

(b) an assessment of canal system operation procedures and plans which may have a direct or indirect impact on flood mitigation and flood management including, but not limited to debris management, communication, water management and flood response; and

(c) a listing of adaptive measures, with associated costs, that could be executed to mitigate flood damages, including but not limited to feasible floodplain management activities, debris management, construction of flood control structures, construction of communication systems and flood mitigation education for public and private landowners.

2. Establishing an upstate flood mitigation grant program based on the task force's evaluation pursuant to section one hundred thirty-nine-d of this article which is subject to appropriations to fund grants within

1 the upstate flood mitigation region to prevent and mitigate flood damage  
2 within the region. Such program shall work in conjunction with existing  
3 flood assistance grant programs and supplement existing efforts by  
4 providing funds for adaptive measures to mitigate or eliminate a flood  
5 event.

6 3. Holding public hearings as it deems necessary to solicit relevant  
7 information and gather current research and data related to flooding and  
8 flood mitigation in the region as well as recommendations to fulfill the  
9 purposes of this article. The task force shall consult with the county  
10 offices of emergency management, county soil and water conservation  
11 districts and all other federal, state and local entities it deems  
12 necessary to fulfill the purposes of this article. In determining the  
13 number of public hearings to be held, the task force shall act dili-  
14 gently in order to meet the timeframe for first cycle awards under the  
15 upstate flood mitigation grant program established within section one  
16 hundred thirty-nine-d of this article.

17 4. The task force shall have the power to: (a) contract for profes-  
18 sional and technical assistance and advice; (b) contract for and accept  
19 assistance including, but not limited to gifts, grants, easements, and  
20 loans of funds, real property and personal property from the federal  
21 government or any agency or instrumentality of the state, or from any  
22 other public or private source to comply, subject to the provisions of  
23 this article, with the terms and conditions thereof, subject to the  
24 approval of the division of budget; (c) hold public hearings; and (d)  
25 establish an upstate flood mitigation grant program to be administered  
26 by the canal corporation and based on the task force's evaluation, to  
27 fund grants within the upstate flood mitigation region to prevent and  
28 mitigate flood damage within the region.

29 5. Upon the request of the task force, all executive departments of  
30 the state and the canal corporation shall provide the task force with  
31 such facilities, assistance and data as will enable the task force to  
32 carry out its powers and duties. Additionally, all other agencies of  
33 the state or subdivisions thereof shall, at the request of the chair,  
34 provide the task force with such facilities, assistance, and data as  
35 will enable the task force to carry out its powers and duties.

36 § 139-d. Upstate flood mitigation grant program. 1. The task force  
37 shall establish an upstate flood mitigation grant program to be adminis-  
38 tered by the canal corporation based on the task force's in-depth exam-  
39 ination of flood control study sectors and issues related to floodplain  
40 management, debris management, flood control and flood mitigation in the  
41 upstate flood mitigation region. Such grant program shall be subject to  
42 appropriations.

43 2. The task force shall establish the upstate flood mitigation grant  
44 program structure that shall be administered by the canal corporation.  
45 Such program structure shall include, but not be limited to, the defi-  
46 nition of eligible recipients, the definition of eligible projects,  
47 project application process, program maximum project award amounts,  
48 project cost sharing parameters and program funding cycles.

49 § 2. 1. The appointment of upstate flood mitigation task force members  
50 shall be completed within ninety days of the effective date of this act.

51 2. The task force shall complete the duties required under sections  
52 139-c and 139-d of the canal law, within one year of the appointment of  
53 task force members.

54 § 3. This act shall take effect immediately; provided, however, that  
55 section 139-d of the canal law, as added by section one of this act,

1 shall take effect April 1, 2018; and provided, further, that this act  
2 shall expire and be deemed repealed March 31, 2020.