

# STATE OF NEW YORK

3029--B

2017-2018 Regular Sessions

## IN SENATE

January 19, 2017

Introduced by Sen. HELMING -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- 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:

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

3 § 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 publicly-  
9 owned roads, bridges, drainage and flood mitigation systems, electrical  
10 and mechanical systems and communication systems, and any ancillary  
11 infrastructure necessary for the safe operation of the components there-  
12 of, where such damage was the result of a natural disaster for which the  
13 governor of the state of New York made a declaration of a state of emer-  
14 gency. For purposes of this section, "latent damage" shall be defined as  
15 damage that was not reasonably apparent during any initial damage  
16 assessments. In no event shall grants be awarded for, nor shall grant  
17 money be used for, infrastructure repairs that are required due to  
18 normal use and wear and tear.

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

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1 3. The commissioner of the division of homeland security and emergency  
2 services shall establish procedures for receipt of applications from  
3 municipalities and for the issuance of grants authorized by this section  
4 within available appropriations. Application for such grants shall be  
5 submitted no more than seven years, but no less than one year, after the  
6 governor's declaration of the state of emergency that renders a municipi-  
7 ality eligible for grants authorized by this section. In no event shall  
8 grants exceed ten percent of the sum of any state or federal disaster  
9 assistance monies granted to a municipality as a result of a natural  
10 disaster that were awarded prior to an application for a grant stemming  
11 from the same natural disaster. In no event shall a municipality receive  
12 a grant in excess of ten million dollars in a given calendar year.

13 4. Funding for such program shall consist of all revenue received  
14 pursuant to an appropriation thereto, and all other monies appropriated,  
15 credited or transferred from any other source pursuant to law. Nothing  
16 in this section shall be deemed to prevent the state from receiving  
17 grants, gifts or bequests for the purpose of the program. Grants shall  
18 only be awarded based upon the availability of funds.

19 § 2. This act shall take effect on the first of April next succeeding  
20 the date on which it shall have become a law; provided, however, that  
21 effective immediately, the addition, amendment and/or repeal of any rule  
22 or regulation necessary for the implementation of this act on its effec-  
23 tive date are authorized and directed to be made and completed on or  
24 before such effective date.