

STATE OF NEW YORK

6754

2017-2018 Regular Sessions

IN SENATE

June 16, 2017

Introduced by Sen. VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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:

1 Section 1. The canal law is amended by adding a new article 13-B to
2 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.

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

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

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

20 2. "Flood control study sector" means a particular aspect of the
21 natural or built environment, economy, or society that could potentially
22 be adversely impacted by flood events. Such term includes, but is not
23 limited to, stream and river banks, locks and dams, wetlands and water-
24 front areas, water resources, transportation infrastructure, water

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

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1 supply and wastewater infrastructure, human health, recreation, tourism,
2 power generation and business, residential, farm and municipal sectors.

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

7 4. "Canal system" shall mean the canal waterways, lands and infras-
8 tructure as set out in section two of this chapter.

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

12 § 139-b. Task force composition. 1. The task force shall consist of
13 nine members, including the director of the canal corporation, the
14 commissioner of transportation, the director of the division of homeland
15 security and emergency services and the commissioner of environmental
16 conservation; and five additional members who shall be from outside the
17 public offices listed in this section and who shall have professional
18 experience in one of the following fields: hydrology, civil engineering,
19 climatology, emergency management and soil and water conservation. Three
20 of the additional members shall be appointed by the governor and one
21 each of the remaining additional members shall be appointed by the
22 temporary president of the senate and the speaker of the assembly.

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

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

27 § 139-c. Task force duties and powers. The role of the task force
28 shall include but not be limited to:

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

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

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

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

49 2. Establishing an upstate flood mitigation grant program based on the
50 task force's evaluation pursuant to section one hundred thirty-nine-d of
51 this article which is subject to appropriations to fund grants within
52 the upstate flood mitigation region to prevent and mitigate flood damage
53 within the region. Such program shall work in conjunction with existing
54 flood assistance grant programs and supplement existing efforts by
55 providing funds for adaptive measures to mitigate or eliminate a flood
56 event.

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

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

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

31 § 139-d. Upstate flood mitigation grant program. 1. The task force
32 shall establish an upstate flood mitigation grant program to be adminis-
33 tered by the canal corporation based on the task force's in-depth exam-
34 ination of flood control study sectors and issues related to floodplain
35 management, debris management, flood control and flood mitigation in the
36 upstate flood mitigation region. Such grant program shall be subject to
37 appropriations.

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

44 § 2. 1. The appointment of upstate flood mitigation task force members
45 shall be completed within ninety days of the effective date of this act.

46 2. The task force shall complete the duties required under sections
47 139-c and 139-d of the canal law, within one year of the appointment of
48 task force members.

49 § 3. This act shall take effect immediately; provided, however, that
50 section 139-d of the canal law, as added by section one of this act,
51 shall take effect April 1, 2018; and provided, further, that this act
52 shall expire and be deemed repealed March 31, 2020.