

# STATE OF NEW YORK

9177--B

## IN ASSEMBLY

February 9, 2022

Introduced by M. of A. STIRPE, LAVINE, BUTTENSCHON, BRONSON, STECK, MAGNARELLI, McDONALD, SIMON, B. MILLER, LEMONDES -- 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 -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the canal law, in relation to designating the director of the upstate flood mitigation task force and assessments of Erie Canal system operation procedures related to flood mitigation and management; and to amend chapter 448 of the laws of 2017 amending the canal law relating to the upstate flood mitigation task force, in relation to the effectiveness thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 5 of section 139-a of the canal law, as added  
2 by chapter 448 of the laws of 2017, is amended to read as follows:

3 5. "Upstate flood mitigation region" or "region" shall include a coun-  
4 ty[~~, except a county wholly encompassed by a city and any county with a~~  
5 ~~population of one million or more~~] through which the Erie Canal passes  
6 in whole or in part.

7 § 2. Subdivision 2 of section 139-b of the canal law, as added by  
8 chapter 448 of the laws of 2017, is amended to read as follows:

9 2. The task force [~~shall appoint a~~] chairperson [~~from among its~~  
10 ~~members~~] shall be the director of the canal corporation.

11 § 3. Subdivision 1 of section 139-c of the canal law, as added by  
12 chapter 448 of the laws of 2017, is amended to read as follows:

13 1. Conducting an in-depth examination, presented as a public report no  
14 later than [~~six months from the date the task force is established~~] July  
15 first, two thousand twenty-three, of flood control study sectors and  
16 issues related to floodplain management, debris management, flood  
17 control and flood mitigation in the upstate flood mitigation region  
18 including:

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

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

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

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

16 § 4. Section 139-c of the canal law is amended by adding a new subdivi-  
17 sion 6 to read as follows:

18 6. The task force shall meet at least four times at the call of the  
19 chairperson between the effective date of this subdivision and July  
20 first, two thousand twenty-three, and on an annual basis thereafter.  
21 Special meetings may be called by its chairperson and shall be called by  
22 the chairperson at the request of a majority of the members of the task  
23 force then in office.

24 § 5. Section 3 of chapter 448 of the laws of 2017 amending the canal  
25 law relating to the upstate flood mitigation task force, as amended by  
26 chapter 164 of the laws of 2021, is amended to read as follows:

27 § 3. This act shall take effect immediately; provided, however, that  
28 section 139-d of the canal law, as added by section one of this act,  
29 shall take effect April 1, 2018; and provided, further, that this act  
30 shall expire and be deemed repealed July 1, [~~2023~~] 2024.

31 § 6. This act shall take effect immediately; provided, however that  
32 the amendments to article 13-B of the canal law made by sections one,  
33 two, three and four of this act shall not affect the expiration and  
34 repeal of such article and shall be deemed repealed therewith.