STATE OF NEW YORK

9177--C

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 -- 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:

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

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~~] **through which the Erie Canal passes in whole or in part**.

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

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

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

1. Conducting an in-depth examination, presented as a public report no later than [~~six months from the date the task force is established~~] **July first, two thousand twenty-three**, 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:

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

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(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~~] **the Erie Canal** 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.

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

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

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

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one of this act, shall take effect April 1, 2018; and provided, further, that this act shall expire and be deemed repealed July 1, [~~2023~~] **2024**.

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