

STATE OF NEW YORK

8138

IN SENATE

January 26, 2022

Introduced by Sen. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the canal law, in relation to the membership and work of the canal recreationway commission

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

1 Section 1. Paragraphs a and b of subdivision 1 and subdivisions 2, 6
2 and 7 of section 138-a of the canal law, paragraph a of subdivision 1 as
3 amended by chapter 243 of the laws of 1993, paragraph b of subdivision 1
4 as amended by chapter 149 of the laws of 1994, subdivisions 2 and 6 as
5 added by chapter 766 of the laws of 1992, and subdivision 7 as amended
6 by chapter 671 of the laws of 2021, are amended to read as follows:
7 a. [~~the chairman of the authority,~~] the commissioner of transporta-
8 tion, the commissioner of the office of parks, recreation and historic
9 preservation, the chairman of the authority, the commissioner of the
10 division of homeland security and emergency services, the chairman of
11 the Erie Canalway National Heritage Corridor Commission and the commis-
12 sioner of environmental conservation, or their representatives;
13 b. ten individuals involved in canal use, development, preservation or
14 enhancement and local governments from counties adjacent to or inter-
15 sected by the canal system appointed by the governor of whom three shall
16 be appointed at the recommendation of the temporary president of the
17 senate and three shall be appointed at the recommendation of the speaker
18 of the assembly. In appointing such members, the governor shall ensure
19 geographic representation from each of the canal sections encompassing
20 the canal system, including at least one representative from counties in
21 which the Erie, Champlain, Cayuga-Seneca, and Oswego canals are located.
22 In addition, individuals appointed to the commission shall be broadly
23 representative of the following areas of interest: preservation of the
24 environment, the operation of tour boats on the canal, the operation of
25 marinas on the canal, recreational trail users, hunting and fishing,
26 tourism promotion agencies as defined in section one hundred sixty-two
27 of the economic development law, historic preservation, the commercial

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

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1 farming industry and the commercial shipping industry, provided that
2 with respect to appointment of an individual representative of historic
3 preservation or the commercial farming industry or commercial shipping
4 industry, such an individual may reside outside of a county adjacent to
5 or intersected by the canal system [~~if such person holds~~]; provided,
6 further, such an individual representative of the commercial farming
7 industry or the commercial shipping industry living outside of a county
8 adjacent to or intersected by the canal system shall also hold an owner-
9 ship interest or senior managerial position in a commercial farming firm
10 or commercial shipping firm, respectively, which regularly uses the
11 canal system in furtherance of its business; and

12 2. The chairperson of the commission shall be [~~the chairman of the~~
13 ~~authority~~] appointed by the governor and serve a three-year term. The
14 members of the commission may elect a secretary and other necessary
15 officers to serve for such a period as the members shall decide.

16 6. A majority of the [~~voting members of the commission~~] ten individ-
17 uals involved in canal use, development, preservation or enhancement and
18 local governments from counties adjacent to or intersected by the canal
19 system appointed by the governor then in office, [~~at least five of whom~~
20 ~~are not appointed pursuant to paragraph a of subdivision one of this~~
21 ~~section,~~] shall constitute a quorum for the transaction of any business
22 or the exercise of any power or function of the commission. An act,
23 determination or decision of the majority of the members present and
24 entitled to vote during the presence of a quorum shall be held to be the
25 act, determination or decision of the commission.

26 7. The commission shall meet monthly, generally, but at least [~~quar-~~
27 ~~terly~~] ten times each year. Special meetings may be called by its
28 chairperson and shall be called by the chairperson at the request of a
29 majority of the members of the commission then in office.

30 § 2. Section 138-b of the canal law, as amended by chapter 335 of the
31 laws of 2001, is amended to read as follows:

32 § 138-b. Functions, powers and duties. The commission shall:

33 1. [~~Develop, maintain and periodically~~] Exercise the general powers
34 and duties relating to canals set forth in section ten of this chapter.

35 2. No later than May first, two thousand twenty-five, revise [~~a~~] the
36 statewide canal recreationway plan (hereinafter referred to as the
37 "plan") for the canal system. [~~Such plan shall be developed in accord-~~
38 ~~ance with the provisions of section one hundred thirty eight c of this~~
39 ~~article and shall be submitted to the authority for its consideration no~~
40 ~~later than the first day of June, nineteen hundred ninety-four.~~

41 2. ~~Solicit input from counties intersecting or bordering the canal~~
42 ~~system and incorporate it to the greatest degree practicable in the~~
43 ~~development of the plan. In order to facilitate such incorporation~~
44 ~~commission members representing each of the regional planning boards~~
45 ~~shall request from and provide assistance to each county it represents~~
46 ~~in the preparation of a county canal plan. Multi-county canal plans may~~
47 ~~be requested by the regional planning board representative, as deemed~~
48 ~~appropriate, in lieu of individual county canal plans. In a region where~~
49 ~~a regional planning board does not exist, the commission shall solicit~~
50 ~~county canal plans from each of the chief executive officers of those~~
51 ~~counties outside the jurisdiction of a regional planning board. The~~
52 ~~commission shall prescribe uniform guidelines concerning the format of~~
53 ~~plans to be used by the regional planning board representatives to~~
54 ~~assist counties in the preparation of county canal plans. The regional~~
55 ~~planning board representative shall encourage the development of county~~
56 ~~canal plans that reflect participation by diverse local interests by~~

~~1 seeking advice, to the extent possible, from individuals and organiza-~~
~~2 tions from such counties with an interest in recreation, hunting and~~
~~3 fishing, the environment, canal related tourism businesses, historic~~
~~4 preservation and commercial development along the canal. In order to be~~
~~5 considered in the formulation of the plan, county canal plans must be~~
~~6 submitted to the commission not later than the first day of June, nine-~~
~~7 teen hundred ninety three.~~

~~8 3. Ensure public comment on the plan, including at least three public~~
~~9 hearings on the plan prior to submission of the plan to the authority.~~
~~10 The commission may also hold hearings on other matters it deems appro-~~
~~11 priate.~~

~~12 4. If deemed appropriate, request that studies, surveys or analyses be~~
~~13 performed by the corporation, the departments of transportation, econom-~~
~~14 ic development and environmental conservation and/or the office of~~
~~15 parks, recreation and historic preservation to assist in the develop-~~
~~16 ment, promotion, marketing and/or preservation of the canal system or~~
~~17 the preparation of the plan. At the request of the commission, state~~
~~18 agencies and public authorities shall cooperate fully and shall provide~~
~~19 requested information in a timely manner.~~

~~20 5. Advise and assist the corporation in carrying]~~ 3. Develop and
21 submit, in cooperation with the state and the Erie Canalway National
22 Heritage Corridor Commission, no later than May first, two thousand
23 twenty-five, an application for United Nations Educational, Scientific
24 and Cultural Organization (UNESCO) World Heritage List designation.

25 4. Carry out its duties and obligations related to the canal in the
26 following manner:

27 a. evaluate and make recommendations for new operational, maintenance
28 and capital initiatives or projects to enhance the canal;

29 b. establish criteria and procedures for the review by the commission
30 for consistency with the canal recreationway plan of abandonments of
31 canal lands, canal terminals and canal terminal lands, and leases of
32 canal lands, canal terminals, and canal terminal lands proposed by the
33 corporation pursuant to article six-A of this chapter; provided, howev-
34 er, that where local zoning laws and zoning ordinances are in effect on
35 lands proposed to be leased or on lands adjacent to those lands proposed
36 to be leased such review shall include, to the extent practicable, the
37 consideration of the compatibility of such leases with the requirements
38 of such local zoning laws and zoning ordinances; and provided further
39 that the commission may determine that certain categories of leases do
40 not require review;

41 c. submit to the [corporation, the] director of the budget and the
42 chairpersons of the senate finance committee and the assembly ways and
43 means committee, on the first day of October, nineteen hundred ninety-
44 two, and on or before the first day of [August] January in each year
45 thereafter, a budget request for the operations of the commission,
46 including all relevant annual costs for the operation, maintenance,
47 repair, development, and oversight of the canal system pursuant to arti-
48 cle two of this chapter. Such request shall include provisions for
49 staff services and other administrative assistance as deemed necessary
50 by the commission to perform its functions and meet its responsibilities
51 during the next calendar year[. The corporation shall provide staff
52 services to the commission and such other administrative assistance as
53 may be necessary for the commission to carry out its functions, powers
54 and duties]; and

55 d. submit annually to [the corporation,] the director of the budget
56 and the chairpersons of the senate finance committee and the assembly

1 ways and means committee, on the first day of [~~October, nineteen hundred~~
2 ~~ninety two, and on or before the first day of August in~~ December [~~each~~
3 ~~year thereafter~~], a budget request for the expenditure of funds avail-
4 able from the canal fund, for the purposes established by section nine-
5 ty-two-u of the state finance law. [~~Submissions made during the initial~~
6 ~~years shall give funding priority for expenditures related to the devel-~~
7 ~~opment and/or promotion of the canal system,~~

8 ~~e. undertake a comprehensive study of alternative waterway and canal~~
9 ~~toll and fee structures, including but not limited to, a comparative~~
10 ~~analysis of other existing waterway and canal systems, the impact of~~
11 ~~various toll and fee structures on recreational use, tourism, and~~
12 ~~commercial activity; and the revenue implications for each of these~~
13 ~~alternatives. The commission shall make recommendations to the authority~~
14 ~~by the first day of April, nineteen hundred ninety three, on appropriate~~
15 ~~tolls and fees to be charged for the use of the canal system and shall~~
16 ~~provide an update on the implementation of such recommendations by the~~
17 ~~first day of April, nineteen hundred ninety five; and~~

18 ~~f. utilize information provided by the authority and other state agen-~~
19 ~~cies and departments, pursuant to section ten of this chapter, surveying~~
20 ~~canal lands within the Adirondack park and studying current land uses,~~
21 ~~to make recommendations to the authority, no later than the first day of~~
22 ~~June, nineteen hundred ninety four, concerning the future use of canal~~
23 ~~lands within the Adirondack park, including but not limited to the~~
24 ~~utilization of existing properties under revocable permits; and the~~
25 ~~identification of any property not needed for canal purposes that may be~~
26 ~~transferred to the department of environmental conservation.~~

27 ~~6.]~~ 5. Establish committees as it deems appropriate on matters relat-
28 ing to the commission's functions, powers and duties; such committees
29 shall be chaired by a commission member but may include persons not
30 members of the commission who provide expertise of interest specific to
31 the charge of such committee.

32 a. the commission shall create a temporary committee which shall
33 include the commissioner of the department of economic development and
34 the commissioner of the office of parks, recreation and historic preser-
35 vation or their representatives and others with appropriate expertise to
36 identify opportunities for achieving the economic development potential
37 of the recreationway and to make recommendations for specific implemen-
38 tation of these opportunities, including recommendations for marketing
39 and promotion designed to attract tourists.

40 b. the commission shall create a temporary committee, which may
41 include appropriately accredited professionals, to assess and report to
42 the authority on issues associated with managing the waters of the canal
43 system, including issues relating to recreational use, habitats and
44 flood prone areas.

45 [~~7.]~~ 6. Report on or before March thirty-first of each year commencing
46 nineteen hundred ninety-four to the corporation, the governor, the
47 temporary president of the senate and the speaker of the assembly on the
48 activities of the commission with respect to the functions, powers and
49 duties established in this section.

50 § 3. This act shall take effect on ninetieth day after it shall have
51 become a law.