STATE OF NEW YORK

3968--A

2021-2022 Regular Sessions

IN SENATE

February 1, 2021

Introduced by Sens. HINCHEY, TEDISCO, AKSHAR, BAILEY, BORRELLO, BOYLE, GALLIVAN, HELMING, JORDAN, O'MARA, PERSAUD, RITCHIE, SANDERS, SEPULVEDA, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to establishing the safe water infrastructure action program for the purpose of making payments toward the replacement and rehabilitation of certain existing drinking water, storm water and sanitary sewer systems

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

Section 1. The environmental conservation law is amended by adding a new section 3-0322 to read as follows:

§ 3-0322. Safe water and infrastructure action program.

1. Notwithstanding any other provisions of this chapter or any other law and subject to an appropriation made therefor and in accordance with the provisions of this section and with the rules and regulations promulgated by the commissioner in connection therewith, on and after the first day of April, two thousand twenty-two, a consolidated local infrastructure program is hereby established for the purpose of making payments toward the replacement and rehabilitation of existing local municipally-owned and funded drinking water, storm water and sanitary sewer systems. For purposes of this section, such program shall apply to any drinking water system, storm water system or sanitary sewer system within the state that is under the maintenance and/or operational jurisdiction of a county, city, town, village or public authority; provided, however, that such system shall not be under the maintenance and/or operational jurisdiction of a private entity. The commissioner, in conjunction with the environmental facilities corporation, shall promul-

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

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gate all necessary rules and regulations to carry out the program so that an equitable distribution of aid shall be made for the general operation and/or general maintenance of any such existing drinking water system, storm water system or sanitary sewer system.

2. On or before the twenty-fifth day of April, June, September and November of each state fiscal year commencing with the state fiscal year beginning on April first, two thousand twenty-five, there shall be distributed and paid to counties, cities, towns, villages and public authorities an amount equal to the moneys appropriated for the purposes of this section divided by the number of payment dates in that state fiscal year. Such amounts shall be distributed and paid pursuant to subdivision three of this section.

3. Amounts shall be distributed for local drinking water, storm water and sanitary sewer systems based upon the total length and width of all pipelines and mains owned and operated by the municipality, or public authority.

4. Monies made available may be used to match other state and federal funds made available for such projects. The funds may also be used to support special improvement districts created to provide drinking water, waste water and storm water services under articles twelve, twelve-A, twelve-C and thirteen of the town law. The remainder of the apportionment may be used for any existing drinking water, storm water or sewer system purchases, including but not limited to, the acquisition of materials for the replacement or rehabilitation.

5. For any city, town, village or public authority which proposes infrastructure consolidation under this section or merges with another municipality, the funds appropriated under this section may fund costs associated with such consolidation.

6. For each fiscal year, starting in two thousand twenty-five, funds are to be made available to the local infrastructure assistance account of the general fund, and distributed from that account, in an amount that is at least equal to those appropriated and made available in the Consolidated Local Street and Highway Improvement Program (CHIPS).

§ 2. This act shall take effect immediately.