

STATE OF NEW YORK

8170

IN SENATE

January 10, 2024

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to requiring the department of environmental conservation, after consultation with the environmental facilities corporation and department of state, to submit an annual agency stormwater expenditure report

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

1 Section 1. Sections 16-0101 through 16-0119 of article 16 of the
2 environmental conservation law are designated title 1, and a new title
3 heading is added to read as follows:

4 STATE PARTICIPATION IN FEDERAL FLOOD CONTROL PROGRAM

5 § 2. Article 16 of the environmental conservation law is amended by
6 adding a new title 3 to read as follows:

7 TITLE 3

8 STATE STORMWATER FLOOD CONTROL

9 Section 16-0301. Agency stormwater expenditure reporting.

10 § 16-0301. Agency stormwater expenditure reporting.

11 1. Definitions. For the purposes of this section, the following terms
12 shall have the following meanings:

13 (a) "Agency" means any department, board, bureau, commission, divi-
14 sion, office, or committee of the state, or state authority.

15 (b) "State authority" shall mean a public authority or public benefit
16 corporation created by or existing under the public authorities law, or
17 any other law of the state of New York, with one or more of its members
18 appointed by the governor or who serve as members by virtue of holding a
19 civil office of the state, other than an interstate or international
20 authority or public benefit corporation, including subsidiaries of such
21 public authority or public benefit corporation.

22 (c) "Stormwater funding" means all spending by the state on water
23 infrastructure projects intended to reduce or mitigate flooding in the
24 state.

25 2. Annual agency stormwater expenditure report. The department, after
26 consultation with the environmental facilities corporation, the depart-

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

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1 ment of state, and any other applicable agency or state authority, shall
2 submit to the temporary president of the senate, the speaker of the
3 assembly, the minority leader of the senate, and the minority leader of
4 the assembly, as early as practicable, but no later than the first of
5 July of the year following the effective date of this section, an annual
6 agency stormwater expenditure report. Such report shall contain a
7 comprehensive estimate and summary of stormwater funding under the
8 department, the environmental facilities corporation, the department of
9 state and other applicable agencies or state authorities, including, at
10 minimum:

11 (a) amounts spent in the prior fiscal year; and

12 (b) recommendations regarding future stormwater funding. Recommenda-
13 tions shall:

14 (i) be based on an analysis which takes into consideration a variety
15 of factors including, but not limited to, project type, source of funds,
16 watersheds of particular concern, benefit-cost ratios, prioritization of
17 nature-based solutions where suitable, project pipeline, and recommenda-
18 tions of the Upstate Flood Mitigation Task Force and other relevant
19 initiatives; and

20 (ii) identify any programmatic or administrative challenges, establish
21 state-wide objectives for stormwater infrastructure improvements, and
22 estimate what future funding increases may be necessary to meet such
23 objectives, with relevant detail.

24 § 3. This act shall take effect on the first of February next succeed-
25 ing the year in which it shall have become a law.