STATE OF NEW YORK

1609

2025-2026 Regular Sessions

IN SENATE

January 10, 2025

Introduced by Sens. HARCKHAM, HINCHEY, MAY, ROLISON -- 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:

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

STATE PARTICIPATION IN FEDERAL FLOOD CONTROL PROGRAM

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

TITLE 3

STATE STORMWATER FLOOD CONTROL

Section 16-0301. Agency stormwater expenditure reporting.

§ 16-0301. Agency stormwater expenditure reporting.

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

(a) "Agency" means any department, board, bureau, commission, division, office, or committee of the state, or state authority.

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

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

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

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

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

(b) recommendations regarding future stormwater funding. Recommendations shall:

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

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

§ 3. This act shall take effect on the first of February next succeeding the year in which it shall have become a law.