

STATE OF NEW YORK

211

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. HELMING, BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the military law, in relation to the Lake Ontario-St. Lawrence River flood prevention, response and recovery program; and to amend the New York state urban development corporation act and the state finance law, in relation to financing the Lake Ontario-St. Lawrence River flood prevention, response and recovery program

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

1 Section 1. Section 6 of the military law is amended by adding a new
2 subdivision 3 to read as follows:

3 3. Upon the request of the sheriff of an impacted county, or upon the
4 request of any county legislature or county board of supervisors in any
5 impacted county, or upon the request of a mayor of any city or village
6 in any impacted county, or upon the request of a supervisor of any town
7 in any impacted county, the governor may order into the active service
8 of the state, for such period, to such extent and in such manner as such
9 governor may deem necessary, all or any part of the organized militia,
10 in accordance with the provisions and purposes of the Lake Ontario-St.
11 Lawrence River Flood Prevention, Response and Recovery Program as set
12 forth in article five of this chapter. The compensation of all officers
13 and enlisted persons, while on duty or assembled pursuant to this subdi-
14 vision, and all expenses incurred in connection with such duty or as a
15 result thereof shall be paid in the manner prescribed by section two
16 hundred twelve-a of this chapter. For purposes of this section, the term
17 "impacted county" shall mean Niagara County, Orleans County, Monroe
18 County, Wayne County, Cayuga County, Onondaga County, Oswego County,
19 Jefferson County, St. Lawrence County, and/or Franklin County, if and
20 when such county or counties have sustained an impact due to flooding

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

LBD00581-01-5

1 caused at least in part by the rising levels of Lake Ontario or the St.
2 Lawrence River, or their adjoining waterways.

3 § 2. The military law is amended by adding a new article 5 to read as
4 follows:

5 ARTICLE V

6 LAKE ONTARIO-ST. LAWRENCE RIVER FLOOD PREVENTION, RESPONSE
7 AND RECOVERY PROGRAM

8 Section 100. Lake Ontario-St. Lawrence River Flood Prevention, Response
9 and Recovery Program

10 § 100. Lake Ontario-St. Lawrence River Flood Prevention, Response and
11 Recovery Program. There is hereby established within the division, under
12 the command, control and direction of the adjutant general, a Lake
13 Ontario-St. Lawrence River Flood Prevention, Response and Recovery
14 Program. It shall be the purpose of this program to provide flood
15 prevention, response and recovery services to the persons, homeowners,
16 business owners, employees and localities of an impacted county, in the
17 event of flooding caused at least in part by the rising levels of Lake
18 Ontario or the St. Lawrence River, or their adjoining waterways. For
19 purposes of this section, the term "impacted county" shall mean Niagara
20 County, Orleans County, Monroe County, Wayne County, Cayuga County,
21 Onondaga County, Oswego County, Jefferson County, St. Lawrence County,
22 and/or Franklin County, if and when such county or counties have
23 sustained an impact due to flooding caused at least in part by the
24 rising levels of Lake Ontario or the St. Lawrence River, or their
25 adjoining waterways.

26 1. In accordance with a call by the governor pursuant to subdivision
27 three of section six of this chapter, the adjutant general shall respond
28 to a request for, and shall provide, flood prevention, response and
29 recovery services in any impacted county. Such services shall include:

30 a. Prevention services. The adjutant general shall direct the perform-
31 ance of any services that would assist in the prevention or mitigation
32 of the impact of flooding caused at least in part by the rising levels
33 of Lake Ontario or the St. Lawrence River, or their adjoining waterways.
34 Such services shall include, but not be limited to:

35 (i) Providing personnel, material and logistical support in deploying
36 measures to prevent or mitigate any effects of flooding, including but
37 not limited to, the procurement, filling and placement of sand bags;
38 procurement and deployment of flood booms; and the construction and
39 placement of levies, seawalls, flood barriers, water diversion channels,
40 or other emergency or permanent flood arresting, controlling or
41 protection measures;

42 (ii) The development, in consultation with the state department of
43 environmental conservation, the state division of homeland security and
44 emergency services, the division of state police, and all the local
45 governments of Niagara County, Orleans County, Monroe County, Wayne
46 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
47 St. Lawrence County, and Franklin County, of a Lake/River Flooding
48 Prevention Action Plan, that identifies potential flooding hazards and
49 conditions and makes recommendations concerning actions that will
50 prevent and/or mitigate such hazards and effectively execute such
51 prevention plan; and

52 (iii) Such other and further prevention services as the adjutant
53 general, in consultation with the local governments of Niagara, Orleans,
54 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
55 Franklin Counties may deem necessary, effective, prudent and/or expedi-

1 ent to effectively accomplish the purposes of this program and provide
2 meaningful prevention services.

3 b. Response services. The adjutant general shall direct the perform-
4 ance of any services that would assist in the response to flooding
5 caused at least in part by the rising levels of Lake Ontario or the St.
6 Lawrence River, or their adjoining waterways. Such services shall
7 include, but not be limited to:

8 (i) Providing personnel, material and logistical support in deploying
9 measures to immediately respond to any effects of flooding, including
10 but not limited to, the procurement, filling and placement of sand bags;
11 procurement and deployment of flood booms; the construction and place-
12 ment of levies, seawalls, flood barriers, water diversion channels, or
13 other emergency flood arresting or controlling measures; and the
14 provision of rescue, support and emergency relief services for those
15 persons in an impacted county whose home, business, life or property are
16 endangered by flooding;

17 (ii) The development, in consultation with the state department of
18 environmental conservation, the state division of homeland security and
19 emergency services, the division of state police, and all the local
20 governments of Niagara County, Orleans County, Monroe County, Wayne
21 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
22 St. Lawrence County, and Franklin County, of a Lake/River Flooding
23 Response Action Plan, that identifies potential required responses and
24 makes recommendations concerning action steps to effectively execute
25 such response plan; and

26 (iii) Such other and further response services as the adjutant gener-
27 al, in consultation with the local governments of Niagara, Orleans,
28 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
29 Franklin Counties may deem necessary, effective, prudent and/or expedi-
30 ent to effectively accomplish the purposes of this program and provide
31 meaningful response services.

32 c. Recovery services. The adjutant general shall direct the perform-
33 ance of any services that would assist in the recovery from the impact
34 of flooding caused at least in part by the rising levels of Lake Ontario
35 or the St. Lawrence River, or their adjoining waterways. Such services
36 shall include, but not be limited to:

37 (i) Providing personnel, material and logistical support in deploying
38 measures to immediately assist persons, businesses and localities to
39 recover from any adverse effects of flooding, including but not limited
40 to, the construction or reconstruction of infrastructure, transportation
41 systems, levies, seawalls, flood barriers, water diversion channels, or
42 other flood arresting or controlling measures; and the provision of
43 recovery, support and relief services for those persons in an impacted
44 county whose home, business, life or property are endangered by flood-
45 ing, and the stabilization and mitigation of damage caused by such
46 flooding;

47 (ii) The development, in consultation with the state department of
48 environmental conservation, the state division of homeland security and
49 emergency services, the division of state police, and all the local
50 governments of Niagara County, Orleans County, Monroe County, Wayne
51 County, Cayuga County, Onondaga County, Oswego County, Jefferson County,
52 St. Lawrence County, and Franklin County, of a Lake/River Flooding
53 Recovery Action Plan, that identifies potential required recovery meas-
54 ures and makes recommendations concerning actions to effectively execute
55 such recovery plan; and

1 (iii) Such other and further recovery services as the adjutant gener-
2 al, in consultation with the local governments of Niagara, Orleans,
3 Monroe, Wayne, Cayuga, Onondaga, Oswego, Jefferson, St. Lawrence, and
4 Franklin Counties may deem necessary, effective, prudent and/or expedi-
5 ent to effectively accomplish the purposes of this program and provide
6 meaningful recovery services.

7 2. In executing the provision of flood prevention, response and recov-
8 ery services under this program, the adjutant general may call upon
9 assistance from any department, agency, division, office, commission or
10 public authority in the state government, and shall further coordinate
11 such services with all local governments within the impacted county
12 receiving such services. The adjutant, in such adjutant's discretion and
13 judgment, may also invite the participation of federal or out of state
14 entities to assist in accomplishing the purposes of this program,
15 including but not limited to, the army corps of engineers, the United
16 States department of homeland security, the United States department of
17 state, the United States department of defense, or any of its component
18 commands thereof, and any such other federal or out of state entities as
19 deemed necessary, effective, prudent and/or expedient.

20 3. The adjutant general may make requests for financing support for
21 any of the construction projects performed in accordance with the
22 program established by this section from the New York state urban devel-
23 opment corporation. The principal and interest for any bonds or notes
24 issued for such financing by the New York state urban development corpo-
25 ration shall be paid from the state operations special emergency appro-
26 priation through a transfer by the governor to the general, special
27 revenue, capital projects, proprietary or fiduciary funds to meet unan-
28 ticipated emergencies pursuant to section fifty-three of the state
29 finance law.

30 § 3. The military law is amended by adding a new section 212-a to read
31 as follows:

32 § 212-a. Pay of troops when used for the Lake Ontario-St. Lawrence
33 River Flood Prevention, Response and Recovery Program. All officers and
34 enlisted persons while on duty, or assembled therefor, by order of the
35 governor, upon a request made in accordance with subdivision three of
36 section six of this chapter, shall receive the pay set forth in subdivi-
37 sion one of section two hundred ten of this article. One hundred percent
38 of such compensation and expenses incurred in connection with such duty
39 or as a result thereof including quartering, caring for, transporting
40 and subsisting the troops, and other expenses including the expense
41 incurred for pay, care, and subsistence of officers and enlisted persons
42 temporarily disabled in the line of duty, while on such duty, as set
43 forth in section two hundred sixteen of this article, shall be paid by
44 the state.

45 § 4. Section 2 of section 1 of chapter 174 of the laws of 1968,
46 constituting the New York state urban development corporation act is
47 amended by adding a new fifth undesignated paragraph to read as follows:

48 It is further found and declared that there continues to exist an
49 ongoing and repeated threat of flooding and flood related damage along
50 the shoreline of Lake Ontario and the St. Lawrence River. This condition
51 is contrary to the public interest and threatens the safety, security,
52 health, welfare, well-being and repose of the people of the localities
53 adjoining the shoreline as well as the people of the entire state. The
54 ordinary operations of public and private funding, as well as the
55 support of private enterprise, has proven inadequate to provide suffi-
56 cient prevention against, response to and recovery from this flooding,

1 and cannot support and provide the infrastructure projects that are
2 necessary to achieve the level of prevention, response and recovery that
3 the state's residents deserve, need and expect, and that the state
4 requires. It is further declared to be the policy of the state to
5 provide a means and mechanism to support and provide the adequate
6 infrastructure that is necessary to achieve this level of prevention,
7 response and recovery that the state's residents deserve, need and
8 expect, and that the state requires.

9 § 5. The opening paragraph of subdivision 6 of section 3 of section 1
10 of chapter 174 of the laws of 1968, constituting the New York state
11 urban development corporation act, as amended by chapter 603 of the laws
12 of 2003, is amended and a new paragraph (i) is added to read as follows:

13 PROJECT: A specific work or improvement including lands, buildings,
14 improvements, real and personal properties or any interest therein,
15 acquired, owned, constructed, reconstructed, rehabilitated or improved
16 by the corporation or any subsidiary thereof, whether or not still owned
17 or financed by the corporation or any subsidiary thereof, including a
18 residential project, an industrial project, a land use improvement
19 project, a civic project, an industrial effectiveness project, a small
20 and medium-sized business assistance project, a fruit growing, fruit
21 processing, or winery business project, a school safety infrastructure
22 project or an economic development project, all as defined herein, or
23 any combination thereof, which combination shall hereinafter be called
24 and known as a "multi-purpose project". The term "project" as used here-
25 in shall include projects, or any portion of a project.

26 (i) "flooding prevention, response and recovery infrastructure
27 project". A project or that portion of a multi-purpose project designed
28 and intended for the purpose of bolstering and improving infrastructure,
29 in order to provide sufficient prevention against, response to and
30 recovery from flooding events, or effects therefrom, and such other and
31 further infrastructure and facilities as may be incidental or appurten-
32 ant thereto.

33 § 6. The opening paragraph of section 18 of section 1 of chapter 174
34 of the laws of 1968, constituting the New York state urban development
35 corporation act, as amended by chapter 839 of the laws of 1987, is
36 amended to read as follows:

37 The corporation shall not issue bonds and notes in an aggregate prin-
38 cipal amount exceeding one billion two hundred ninety-five million
39 dollars, excluding (1) bonds and notes issued to refund or otherwise
40 repay outstanding bonds and notes of the corporation or of the New York
41 state project finance agency, (2) notes issued by the corporation to
42 evidence eligible loans made to the corporation pursuant to the New York
43 state project finance agency act, [~~and~~] (3) bonds and notes issued by
44 the corporation to perform a flooding prevention, response and recovery
45 infrastructure project in accordance with paragraph (i) of subdivision
46 (6) of section three of this act, and (4) bonds and notes issued with
47 the approval of the state director of the budget and the New York state
48 public authorities control board which are secured by and payable solely
49 out of a specific project, other than a residential project, undertaken
50 by the corporation subsequent to June first, nineteen hundred seventy-
51 seven, and the revenues and receipts derived therefrom, without recourse
52 against other assets of the corporation or against a debt service
53 reserve fund to which state funds are apportionable pursuant to subdivi-
54 sion three of section twenty of this act, provided that the corporation
55 shall not issue bonds or notes pursuant to this clause [~~(3)~~] if (a) (i)
56 the arrangements under which the project is undertaken do not provide

1 for annual real property taxes, or payments in lieu of real property
2 taxes, on the real property included in the project securing such bonds
3 or notes which together at least equal the average annual real property
4 taxes which were paid with respect to such real property for three years
5 prior to the acquisition of such project or any portion thereof by the
6 corporation or a subsidiary thereof, and (ii) after a public hearing,
7 the local legislative body of the city, town or village in which such
8 project is to be located has not consented to such arrangements,
9 provided, however, that in a city having a population of one million or
10 more such consent shall be given by the board of estimate of such city,
11 or (b) the aggregate principal amount of any such bonds and notes is
12 less than twice the amount of any moneys appropriated by the state and
13 made available by the corporation to the project securing such bonds and
14 notes, or (c) the aggregate principal amount of the bonds and notes
15 issued pursuant to this clause [~~(3)~~] will thereby exceed three hundred
16 seventy-nine million dollars, excluding bonds and notes issued to refund
17 or otherwise repay outstanding bonds and notes issued pursuant to this
18 clause [~~(3)~~], provided, however, that the corporation may provide for a
19 pooled financing arrangement with regard to bonds issued for the
20 purposes of financing the construction of the Center for Computers,
21 Microelectronics and Telecommunications at Columbia University, the
22 Center for Science and Technology at Syracuse University, the Cornell
23 Super Computer Center at Cornell University, the Onondaga County Con-
24 vention Center Complex, the Center for Advanced Materials Processing at
25 Clarkson University, the Center for Electro-Optic Imaging at University
26 of Rochester, the Center for Neural Science at New York University, the
27 Alfred University Incubator Facilities in Allegany County and Steuben
28 County, the Broadway Redevelopment Project, and the Sematech Semiconduc-
29 tor facility, and, that the aggregate amount of bonds which may be
30 issued pursuant to this clause [~~(3)~~] shall be increased above the
31 amounts in the following schedule for the purposes of providing for the
32 costs of issuance including any debt service reserve requirements that
33 may be necessary in accordance with the following schedule:

34 § 7. The state finance law is amended by adding a new article 17 to
35 read as follows:

36 ARTICLE 17

37 FINANCING OF SPECIAL INFRASTRUCTURE PROJECTS RELATED TO
38 FLOODING

39 Section 250. Infrastructure projects financed by the urban development
40 corporation in accordance with the Lake Ontario-St.
41 Lawrence River flood prevention, response and recovery
42 program.

43 § 250. Infrastructure projects financed by the urban development
44 corporation in accordance with the Lake Ontario-St. Lawrence River
45 flood prevention, response and recovery program. Principal and interest
46 debt service on bonds or notes issued by the urban development corpo-
47 ration in accordance with a flooding prevention, response and recovery
48 infrastructure project performed pursuant to paragraph (i) of subdivi-
49 sion six of section three of the New York state urban development corpo-
50 ration act, shall be paid from the state operations special emergency
51 appropriation through a transfer by the governor to the general, special
52 revenue, capital projects, proprietary or fiduciary funds to meet unan-
53 ticipated emergencies pursuant to section fifty-three of this chapter.

54 § 8. This act shall take effect immediately.