

STATE OF NEW YORK

9667--A

IN ASSEMBLY

January 15, 2008

Introduced by M. of A. MAGNARELLI, STIRPE, LUPARDO, BARCLAY -- read once and referred 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 the New York state canal flood mitigation task force; and to amend chapter 456 of the laws of 2007 amending the environmental conservation law relating to creating the New York state canal flood mitigation task force, in relation to the issuance of a draft report by the state canal flood mitigation task force

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

1 Section 1. Section 73-0101 of the environmental conservation law, as
2 added by chapter 456 of the laws of 2007, is amended to read as follows:
3 § 73-0101. Flood mitigation task force.

4 The New York state canal flood mitigation task force, referred to in
5 this article as the task force, is hereby established to [~~determine~~
6 ~~what~~] **identify reasonable** measures [~~should~~] **that can** be taken to enhance
7 flood management and mitigation in and along the New York state canal
8 system, including the Erie Canal **and major water bodies within the Oswe-**
9 **go river basin that contribute to the flooding of the canal,** and to
10 [~~develop~~] **make** recommendations [~~to accomplish such goal~~] **with respect to**
11 **such measures.**

12 § 2. Subdivisions 1, 4, and 5 of section 73-0105 of the environmental
13 conservation law, as added by chapter 456 of the laws of 2007, are
14 amended and four new subdivisions 5, 6, 7 and 8 are added to read as
15 follows:

16 1. The task force shall consist of [~~thirteen~~] **fourteen** members;
17 [~~eight~~] **nine** of whom shall be the director of the canal corporation,
18 commissioner of the department of environmental conservation, the secre-
19 tary of state, the commissioner of transportation, the director of the
20 state emergency management office, the commissioner of [~~the department~~
21 ~~of~~] parks, recreation and historic preservation, the commissioner of
22 [~~the department of~~] agriculture and markets, **the chairman of the power**

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

LBD09749-15-8

A. 9667--A

2

1 **authority of the state of New York** and the [~~chairman~~] **commissioner** of
2 [~~the state~~] economic development [~~office~~] or designee; and five addi-
3 tional members who shall be from outside the public offices listed in
4 this section and who shall [~~be a hydrologist, civil engineer, climatolo-~~
5 ~~gist, county emergency manager and soil and water conservation profes-~~
6 ~~sional~~] **have professional experience in the fields of hydrology, civil**
7 **engineering, climatology, emergency management and soil and water**

8 conservation. The governor shall appoint three of the five additional
9 members and the temporary president of the senate and speaker of the
10 assembly shall each appoint one of each of the five additional members.

11 4. The task force shall consult with the emergency management officer,
12 or appropriate county officer, from each county adjacent or intersected
13 by the canal system or the Oswego river basin and each [~~said~~] such offi-
14 cer shall provide to the task force a document listing their concerns
15 and recommendations related to flooding along the canal system. The task
16 force shall consider such concerns and recommendations in its deliber-
17 ations and in the formulation of its determinations and recommendations.

18 5. The task force shall also solicit the views of persons who reside
19 adjacent to the canal system or major bodies within the Oswego river
20 basin to assist it in making its determinations and formulating its
21 recommendations.

22 6. To help ensure the task force's receipt of a comprehensive and
23 diverse array of views, a citizen advisory board to the task force shall
24 be established. The advisory board shall consist of up to thirteen
25 members appointed for two years, seven members shall be appointed
26 following the recommendation of the governor; two members shall be
27 appointed following the recommendation of the temporary president of the
28 senate; two members shall be appointed following the recommendation of
29 the speaker of the assembly; one member shall be appointed following the
30 recommendation of the minority leader of the senate; and one member
31 shall be appointed following the recommendation of the minority leader
32 of the assembly. The advisory board shall represent a diverse array of
33 interests, including property owners residing adjacent to or in close
34 proximity to the canal system or major water bodies within the Oswego
35 river basin, recreational and commercial users of the canal system,
36 environmental groups and hydroelectric power generators that operate
37 facilities within the canal system. No member of the advisory board may
38 be concurrently employed by, or provide goods or services to, any agency
39 or public corporation which is represented on the task force. The
40 commissioner shall select a member of the advisory board to serve as
41 chairperson.

42 7. The members of the advisory board shall receive no compensation for
43 their services, but shall be allowed their actual and necessary expenses
44 incurred in the performance of their duties.

45 8. The advisory board shall advise the task force on relevant informa-
46 tion and issues related to flooding and flood mitigation in the canal
47 system or the Oswego river basin; make recommendations to fulfill the
48 purposes of this article; and provide advice and assistance required by
49 the task force.

50 [~~5-~~] 9. The task force shall meet at least six times [~~over an eighteen~~
51 month period] at the call of the chairperson.

52 § 3. Section 73-0107 of the environmental conservation law is amended
53 by adding a new subdivision 4 to read as follows:

54 4. The task force shall have the power to:

55 (a) Contract for professional and technical assistance and advice;

A. 9667--A

3

1 (b) Contract for and accept assistance including, but not limited to
2 gifts, grants, easements, and loans of funds, real property and personal
3 property from the federal government or any agency or instrumentality of
4 the state, or from any other public or private source to comply, subject
5 to the provisions of this article, with the terms and conditions there-
6 of, subject to the approval of the division of the budget. Notwith-
7 standing the provisions of section eleven of the state finance law, the
8 task force may accept gifts, grants, devises and bequests, whether
9 conditional or unconditional with the approval of the director of the
10 budget; and

11 (c) Conduct scientific and environmental studies.

12 § 4. Subdivision 1 of section 2 of chapter 456 of the laws of 2007
13 amending the environmental conservation law relating to creating the New

14 York state canal flood mitigation task force, is amended to read as
15 follows:

16 1. ~~Within 18 months of the effective date of this act~~ On or before
17 February 1, 2010, the New York state canal flood mitigation task force
18 shall issue a draft report, which shall be submitted to the governor,
19 the temporary president of the senate, and the speaker of the assembly
20 assessing flood mitigation and control in New York state; including, but
21 not limited to, recommendations on how such impacts should be addressed.
22 At least one public hearing shall be held by the commissioner of the
23 department of environmental conservation to provide the public with the
24 opportunity to comment on the report. Notice of such hearing shall be
25 provided on the department of environmental conservation website, and in
26 the environmental notice bulletin.

27 § 5. This act shall take effect immediately, provided, however, that
28 the amendments to sections 73-0101, 73-0105 and 73-0107 of the environ-
29 mental conservation law made by sections one, two and three, respective-
30 ly, of this act and the amendments made to subdivision 1 of section 2 of
31 chapter 456 of the laws of 2007, as amended by section four of this act
32 shall not affect the repeal of such sections pursuant to section 3 of
33 chapter 456 of the laws of 2007, as amended, and shall be deemed to be
34 repealed therewith.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A9667A

SPONSOR: Magnarelli (MS)

TITLE OF BILL: An act to amend the environmental conservation law, in relation to the New York state canal flood mitigation task force; and to amend chapter 456 of the laws of 2007 amending the environmental conservation law relating to creating the New York state canal flood mitigation task force, in relation to the issuance of a draft report by the state canal flood mitigation task force

PURPOSE: To amend the statute for the Canal Flood Mitigation Task Force to include studying ways to mitigate flooding the Oswego River Basin.

SUMMARY OF PROVISIONS: Section 1 amends section 73-0101 of the environmental conservation law by adding language to include the Oswego River Basin in the bodies of water studied by the Canal Flood Mitigation Task Force.

Section 2 amends section 73-0105 of the environmental conservation law to include the Oswego River Basin in the bodies of water studied by the Canal Flood Mitigation Task Force as well as establish a Citizen Advisory Board for the project.

Section 3 amends section 73-0107 of the environmental conservation law to add a new subdivision 4 with specifies the Task Force's powers.

Section 4 specifies the date by which the Task Force must deliver its report. Section 5 establishes an effective date.

JUSTIFICATION: The Oswego River Basin includes a number of major bodies of water, including the Finger Lakes and the Oswego River. These lakes and rivers are natural resources that also promote tourism and economic development for surrounding communities. The current system of water level management, however, is insufficient to prevent flooding, and it has allowed for regular flooding to take place in regions within the Basin, causing destruction along waterways that has a severe economic impact within the region. This legislation enables the Canal Flood Mitigation Task Force to study flooding in the Oswego River Basin, which is connected to and affected by the Canal water system, and recommend ways to mitigate this ancillary flooding.

LEGISLATIVE HISTORY: A.4170-A of 1997-98.

FISCAL IMPLICATIONS: Undetermined.

EFFECTIVE DATE: Immediately.