

DRAFT LBDC

A BUDGET BILL submitted by the Governor  
in accordance with Article VII of the Constitution

AN ACT to amend the public authorities law, the canal law and the economic development law in relation to enacting the New York state canal system revitalization act; and to repeal article 13-A of the canal law relating to the canal recreationway commission and section 57 of the canal law relating to special conditions for leases entered prior to approval of the canal recreationway plan (Part );

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

1 PART \_\_\_\_

2 Section 1. Short title. This act shall be known and may be cited as  
3 the "New York state canal system revitalization act".

4 § 2. Legislative findings and statement of purposes. 1. The legisla-  
5 ture hereby finds, determines and declares:

6 (a) that the New York state canal system, which once served as a vital  
7 thoroughfare for freight and other commerce, supports virtually no  
8 commercial shipping activity today;

9 (b) that much of the canal system's century-old infrastructure,  
10 designed to accommodate the passage of large commercial vessels, is  
11 antiquated and deteriorating;

12 (c) that despite the absence of commercial shipping traffic in almost  
13 all portions of the canal system, the state and its instrumentalities  
14 continue to expend substantial sums of money to maintain the canal  
15 system and its aged water control infrastructure for the system's  
16 original purpose;

1 (d) that flooding and ice jams within and around portions of the canal  
2 system have caused substantial damage to nearby communities and the  
3 canal system itself, and without appropriate intervention, such flooding  
4 and ice jams, exacerbated by the effects of climate change and other  
5 phenomena, will continue to pose a threat to property and people;

6 (e) that the canal system's water control infrastructure was never  
7 intended to address such threats from flooding and ice jams;

8 (f) that aquatic invasive species have over time penetrated New York's  
9 waterways and pose a serious and growing threat to recreational users,  
10 fisheries, property owners, water supplies and waterbody ecosystems;

11 (g) that the absence of a natural aquifer and conditions related to  
12 climate change have contributed to increasingly frequent droughts in the  
13 western part of the state, impacting a vital part of the state's agri-  
14 culture industry, inhibiting its competitive position and limiting the  
15 type and amount of crops that can be reliably produced;

16 (h) that while the canal system has in recent years emerged as a  
17 resource for recreation and tourism, the state has not exploited the  
18 full potential of the canal system, its infrastructure and its unique  
19 historic, cultural and water resources for the benefit of the people of  
20 the state;

21 (i) that a public purpose would be served and the interests of the  
22 people of the state would be promoted by reimagining and revitalizing  
23 the New York state canal system, including the Erie canal, as a twenty-  
24 first century waterway whose resources can be deployed to address crit-  
25 ical issues of public importance, including without limitation, mitigat-  
26 ing the occurrence of flooding, ice jams and drought and their  
27 destructive impacts; protecting, restoring, creating and sustaining  
28 aquatic habitat in the state; leveraging the canal system's unique

1 history, culture and natural resources to activate local and regional  
2 economies and industries; expanding economic development opportunities  
3 and stimulating job growth; and improving the quality of life of the  
4 people of New York by, among other things, celebrating, connecting and  
5 expanding canal-related destination points, such as parks, trails and  
6 recreational activities as well as canal-side community amenities and  
7 other attractions.

8 2. The legislature further finds, determines and declares that a  
9 public purpose would be served and the interests of the people of the  
10 state would be served by creating pursuant to this act a public benefit  
11 corporation, known as the New York state canal system revitalization  
12 trust, to serve as a focal point for the receipt and administration of  
13 gifts, donations and grants of money, real and personal property and  
14 other things of value made for the purpose of supporting the revitaliza-  
15 tion of the New York state canal system, using the powers and authority  
16 delegated to it by this act, lessening the burdens of government and  
17 acting in the public interest.

18 3. The legislature further finds, determines and declares that the  
19 creation of the New York state canal system revitalization trust, and  
20 the exercise of its powers and authority and the carrying out of its  
21 corporate purposes is in all respects for the benefit of the people of  
22 the state of New York, and in furtherance of their welfare and prosper-  
23 ity.

24 § 3. The section heading and paragraph (a) of subdivision one of  
25 section 1005-c of the public authorities law, as added by section 23 of  
26 part TT of chapter 54 of the laws of 2016, are amended to read as  
27 follows:

1 Additional powers of the authority [to finance certain projects] in  
2 connection with the New York state canal system.

3 (a) The authority is hereby authorized, as an additional corporate  
4 purpose thereof, to issue its bonds, notes and other evidences of  
5 indebtedness in conformity with applicable provisions of the uniform  
6 commercial code for purposes of financing the construction, recon-  
7 struction, development and improvement of the New York state canal  
8 system, and the revitalization of the canal system and its use by the  
9 public.

10 § 4. Section 1005-c of the public authorities law is amended by adding  
11 a new subdivision 4 to read as follows:

12 4. The authority is authorized to:

13 (a) Subject to agreements with noteholders or bondholders, provide  
14 grants and other forms of financial support, as deemed feasible and  
15 advisable by the trustees, for projects, programs and purposes that in  
16 the trustees' judgment will promote the purposes of the New York state  
17 canal system revitalization act.

18 (b) Establish advisory committees and appoint members thereto for the  
19 purpose of providing the authority, canal corporation and New York state  
20 canal system revitalization trust with advice and recommendations on all  
21 matters submitted to such committees, soliciting input from stakeholder  
22 communities and other interested parties on canal system initiatives,  
23 and coordinating the activities of the authority, canal corporation and  
24 New York state canal system revitalization trust with stakeholder commu-  
25 nities and other interested parties. Members of any such advisory  
26 committee shall serve without salary but shall be entitled to reimburse-  
27 ment for their actual and necessary travel expenses incurred in the  
28 performance of their official duties.

1 (c) Provide advice to local governments and officials, including stra-  
2 tegies to leverage the value of canal system resources in local land use  
3 and planning and opportunities to partner with public and private stake-  
4 holders to achieve the objectives of local land-use goals and the New  
5 York state canal system revitalization act.

6 (d) Review and comment on the plans of federal, state, local and  
7 private entities and persons as they may relate to the canal system and  
8 the objectives of the New York state canal system revitalization act.

9 (e) Plan, establish and/or support the development and operation of  
10 facilities within or outside the canal system that would in the authori-  
11 ty's judgment promote use of the canal system by the public, including  
12 without limitation tourism, educational, hospitality and recreational  
13 facilities, and to fix and collect fees, rents and charges for the use  
14 of such facilities.

15 (f) Design and implement volunteerism, fundraising, educational,  
16 outreach and branding programs relating to the canal system, related  
17 facilities and their potential uses.

18 § 5. Article 13-A of the canal law is REPEALED and a new article 13-A  
19 is added to read as follows:

20 ARTICLE XIII-A

21 NEW YORK STATE CANAL SYSTEM REVITALIZATION TRUST

22 Section 138-a. Definitions.

23 138-b. New York state canal system revitalization trust.

24 138-c. Purposes and powers of the trust corporation.

25 138-d. Temporary assignment and transfer of employees and other  
26 assistance.

27 138-e. Monies of the trust corporation.

1           138-f. Creation of trust a public purpose.

2           138-g. Payments in lieu of taxes.

3           138-h. Members and employees not to profit.

4           138-i. Actions against the trust.

5       § 138-a. Definitions. As used or referred to in this title, the  
6 following terms shall have the following meanings unless the context  
7 clearly requires otherwise:

8       1. The term "act" shall mean the New York state canal system revitali-  
9 zation act which added this article.

10       2. The term "board" shall mean the members of the trust corporation.

11       3. The term "trust" or "trust corporation" shall mean the public bene-  
12 fit corporation created by this article.

13       § 138-b. New York state canal system revitalization trust. 1. The New  
14 York state canal system revitalization trust is hereby created. The  
15 trust shall be a body corporate and politic constituting a public bene-  
16 fit corporation and its existence shall commence upon the appointment of  
17 the members as herein provided. The trust corporation shall consist of  
18 the following members:

19       (a) the chief executive officer of the authority or his or her desig-  
20 nee, the commissioner of economic development or his or her designee,  
21 and the commissioner of environmental conservation or his or her desig-  
22 nee; and

23       (b) nine individual members with knowledge of subject matter relevant  
24 to canal system revitalization purposes, including, without limitation,  
25 economic development and planning, tourism, engineering, outdoor recre-  
26 ation, historic preservation, commercial farming and/or aquatic ecosys-  
27 tems. The nine individual members shall be appointed by the governor, of

1 whom three shall be appointed on the recommendation of the temporary  
2 president of the senate and three shall be appointed on the recommenda-  
3 tion of the speaker of the assembly, and shall serve at the pleasure of  
4 the governor; provided, however, that up to three of the initial  
5 appointments to the trust may be reserved for persons who served as  
6 members of the canal recreationway commission during the year preceding  
7 the effective date of this article. In appointing members to the trust,  
8 the governor shall ensure reasonable representation from regions adja-  
9 cent to or in the vicinity of the canal system.

10 2. Members of the commission, except commissioners or chief executives  
11 of public authorities, shall serve for a term of four years and may be  
12 reappointed; provided, however, of those members appointed initially,  
13 three such members, one appointed by the governor, one appointed on the  
14 recommendation of the temporary president of the senate, and one  
15 appointed on the recommendation of the speaker of the assembly shall be  
16 appointed for terms of two years, and three such members, one appointed  
17 by the governor, one appointed on the recommendation of the temporary  
18 president of the senate, and one appointed on the recommendation of the  
19 speaker of the assembly shall be appointed for terms of three years. Any  
20 vacancy in the trust shall be filled for the unexpired term in the same  
21 manner as the original appointment. The governor shall designate members  
22 of the trust to serve as chair and vice-chair of the trust.

23 3. The powers of the trust shall be vested in and exercised by a  
24 majority of the members thereof and each member of the trust shall be  
25 entitled to one vote on all matters voted on by the trust.

26 4. Members of the trust shall serve without compensation but shall be  
27 entitled to reimbursement of their actual and necessary expenses  
28 incurred in the performance of their official duties. No member of the

1 trust shall be disqualified from holding any other public office or  
2 employment, nor shall he or she forfeit any such office or employment,  
3 by reason of his or her membership on the trust, notwithstanding the  
4 provisions of any general, special or local law or local ordinance or  
5 charter.

6 5. The trust and its corporate existence shall continue until termi-  
7 nated by law, provided, however, that no such law shall take effect so  
8 long as the trust shall have obligations outstanding, unless adequate  
9 provision has been made for the payment thereof. Upon termination of  
10 the existence of the trust, all its rights and properties shall vest in  
11 the state.

12 § 138-c. Purposes and powers of the trust corporation. The purpose of  
13 the trust corporation shall be to serve as a focal point for the receipt  
14 and administration of public and private gifts, devises and bequests of  
15 money, rights and interests in real and personal property, and other  
16 things of value donated to further the purposes of the act, specifically  
17 the revitalization of the New York state canal system for the purposes  
18 of addressing current issues of public importance, including without  
19 limitation, mitigating the occurrence of flooding and ice jams and their  
20 destructive impacts; protecting, restoring, creating and sustaining  
21 aquatic habitat in the state; leveraging the canal system's unique  
22 history, culture and natural resources to activate local and regional  
23 economies and industries; expanding economic development opportunities  
24 and stimulate job growth; and improving the quality of life of the  
25 people of New York by, among other things, celebrating, connecting and  
26 expanding canal-related destination points, such as parks, trails and  
27 recreational activities as well as canal-side community amenities and  
28 other attractions (collectively, "revitalization purposes"). In further-

1 ance of the revitalization purposes, the corporation is encouraged to  
2 consider the contents of the canal recreationway plan existing as of the  
3 effective date of this article; the adaptive reuse of canal system  
4 infrastructure; the recovery and adaptive reuse of vacant and abandoned  
5 structures and other property within or in close proximity to the canal  
6 system; strategies that will serve to link canal system resources with  
7 nearby communities, including without limitation underserved communi-  
8 ties, existing parks, trails and other public areas for the purpose of  
9 increasing access to and the enjoyment of canal-related resources,  
10 creating multi-purpose venues for residents and visitors, and enhancing  
11 tourism; and the use of public-private partnerships as a means to  
12 achieve said revitalization purposes. To carry out said revitalization  
13 purposes, the corporation shall have power to:

14 1. Accept gifts, devises and bequests, including money, rights and  
15 interests in real and personal property, tangible or intangible, and  
16 other things of value for any of its corporate purposes, and to adminis-  
17 ter and disburse gifts, devises and bequests, money, rights and inter-  
18 ests in real and personal property and other things of value for any  
19 purpose that is consistent with the revitalization purposes.

20 2. Acquire rights and interests in real property by purchase, gift, or  
21 bequest, or by exchange of real property previously acquired by the  
22 trust and under its jurisdiction, and enter into agreements and other  
23 authorizations, including leases and licenses, for the acquisition,  
24 transfer, swap, management, or use of real property, for any purpose  
25 that is consistent with the revitalization purposes.

26 3. Acquire rights and interests in personal property, tangible or  
27 intangible, by purchase, gift, or bequest, or by exchange of personal  
28 property previously acquired by the trust and under its jurisdiction,

1 and enter into agreements and other understandings for the acquisition,  
2 transfer, swap, management, or use of personal property for any purpose  
3 that is consistent with its corporate purposes.

4 4. Acquire, in the name of the people of the state of New York, rights  
5 and interests in real property, including title by purchase, gift, or  
6 bequest, or by exchange of lands previously acquired by the trust and  
7 under its jurisdiction, or by easement for the conservation, management  
8 and preservation of open space characterized by natural scenic beauty,  
9 heritage, natural resource values or conditions enhancing regional qual-  
10 ities of the canal system, for any purpose that is consistent with the  
11 revitalization purposes.

12 5. Transfer jurisdiction and control of rights or interests in real or  
13 personal property acquired by the trust to the canal corporation for  
14 inclusion in the canal system, or to the office of parks, recreation and  
15 historic preservation, the department of environmental conservation, the  
16 secretary of state, or other public entity with its consent for any  
17 purpose that is consistent with the revitalization purposes and with  
18 prior approval of the director of the budget.

19 6. Accept the transfer of funds from, and transfer funds to, state  
20 agencies and state public authorities for revitalization purposes.

21 7. To undertake any work, including the furnishing of services and  
22 materials, required to manage, preserve, restore, maintain or improve  
23 any real or personal property under its jurisdiction and, in its  
24 discretion, at the request of the authority, canal corporation, office  
25 of parks, recreation and historic preservation, department of state,  
26 department of transportation, or the department of environmental conser-  
27 vation, upon real or personal property under the jurisdiction of the

1 requesting agency, after prior approval of the director of the budget,  
2 for any purpose that is consistent with the revitalization purposes.

3 8. To undertake research, studies and analyses, and make reports  
4 relating to any of the revitalization purposes.

5 9. To sell and convey any real or personal property or rights or  
6 interests therein acquired by and under the jurisdiction of the trust  
7 and surplus to its needs, provided such sale and conveyance does not  
8 contravene the terms or conditions of any gift, devise or bequest, and  
9 to retain the proceeds derived therefrom for its corporate purposes.

10 10. To make grants of money, real and personal property and other  
11 things of value to corporations, associations, non-profit organizations,  
12 academic institutions, local governments and other persons under  
13 programs created by trust for any purpose that is consistent with revi-  
14 talization purposes.

15 11. Subject to available funds, to appoint and employ such officers,  
16 employees and staff and to retain such professional and technical  
17 assistance and advice as it deems necessary to carry out its corporate  
18 purposes.

19 12. To participate and cooperate with public and private parties  
20 having mutual interests in projects and programs intended to advance  
21 revitalization purposes.

22 13. To make and execute contracts and all other instruments necessary  
23 or convenient for the exercise of its powers and functions.

24 14. To apply to the federal government or any agency thereof for the  
25 purpose of obtaining such status under the internal revenue code as the  
26 corporation determines to be appropriate to support its corporate  
27 purposes and the purposes of the act.

1 15. To administer, manage, or operate any property the rights or  
2 interests of which have been acquired by the trust and to retain for its  
3 corporate purposes any receipts, revenue or income derived therefrom  
4 during the pendency of such transfer.

5 16. To establish a public website.

6 17. Create and administer programs that are designed to increase  
7 public access to the canal system, including without limitation access  
8 for disabled persons and residents of underserved communities in the  
9 state.

10 18. To sue and be sued.

11 19. To have a seal and alter the same at pleasure.

12 20. To do all things necessary or convenient to carry out its corpo-  
13 rate purposes.

14 § 138-d. Temporary assignment and transfer of employees and other  
15 assistance. 1. Whenever in the opinion of the trust corporation it  
16 would be in the public interest, the trust corporation may request the  
17 canal corporation, the authority, or any state public authority or  
18 public benefit corporation, and after prior approval of the director of  
19 the budget, any board, commission, agency or department of the state or  
20 any of its political subdivisions, for the temporary assignment and  
21 transfer of employees to the trust corporation to help the trust corpo-  
22 ration carry out its public purposes, and said entities may, if in its  
23 opinion such transfer will not interfere with the performance of its  
24 duties and functions, provide such temporary assignment and transfer of  
25 said employees to the trust for the purposes described. Such assignment  
26 and transfer or extension shall not in any way affect the civil service  
27 status, continuity of service, retirement plan status, right to compen-

1 sation, grade or compensation or other rights or privileges of any  
2 employee so transferred.

3 2. The authority, the canal corporation, and all other state officers,  
4 departments, boards, divisions, commissions, public authorities, public  
5 benefit corporations and political subdivisions are hereby authorized to  
6 provide such assistance to the corporation within their respective  
7 authority and functions as the corporation may request in order to carry  
8 out its purposes and duties.

9 § 138-e. Monies of the trust corporation. 1. The moneys of the trust  
10 shall be retained by it and deposited in a general account and such  
11 other accounts as the trust may deem necessary for the transaction of  
12 its business, and shall be paid out on checks or other authorizations  
13 signed by the chairperson of the trust corporation and/or by such other  
14 members or officers as the trust corporation may authorize.

15 2. The comptroller of the state and his or her legally authorized  
16 representatives are hereby authorized and empowered from time to time to  
17 examine the accounts and books of the trust including its receipts,  
18 disbursements, contracts, investments and any other matters relating to  
19 its financial standing.

20 3. The trust corporation shall submit to the governor, the chairperson  
21 of the senate finance committee, the chairperson of the assembly ways  
22 and means committee and the state comptroller, within ninety days after  
23 the end of its fiscal year, a complete and detailed report of its oper-  
24 ations and accomplishments, its receipts and disbursements and its  
25 assets and liabilities, and shall publish a copy of such report on its  
26 public website.

27 § 138-f. Creation of trust a public purpose. It is hereby found,  
28 determined and declared that the creation of the New York state canal

1 system revitalization trust and the carrying out of its corporate  
2 purposes is in all respects for the benefit of the people of the state  
3 of New York, for the revitalization of the New York state canal system  
4 and in furtherance of their welfare and prosperity, and is a public  
5 purpose, in that the trust will be performing an essential governmental  
6 function in the exercise of the powers conferred upon it by this title,  
7 and in furtherance of same, the income, monies, operations and proper-  
8 ties of the trust shall be exempt from taxation, including without limi-  
9 tation any and all state and local income, franchise, transfer, record-  
10 ing, real property and sales taxation and any assessments of payments in  
11 lieu of taxes. In addition, all contributions of money, rights or inter-  
12 ests in real and personal property and other things of value made to the  
13 corporation whether by gift, devise or bequest shall qualify as  
14 deductions in computing the net taxable income of the donor for the  
15 purposes of any income tax imposed by the state or any political subdi-  
16 vision thereof and for federal income tax purposes to the extent permit-  
17 ted under federal law or regulation.

18 § 138-g. Payments in lieu of taxes. The trust may, when funds are  
19 available and the corporation's board finds it feasible and advisable,  
20 and with the approval of the director of the budget, enter into an  
21 agreement with a municipality or district within which real property has  
22 been acquired by the trust, providing for the payment of moneys in lieu  
23 of anticipated tax revenues for a period not to exceed five years when-  
24 ever the trust shall determine that undue hardship justifying such  
25 financial relief has been created by such acquisition.

26 § 138-h. Members and employees not to profit. No officer, member or  
27 employee of the trust shall receive or may be lawfully entitled to  
28 receive any pecuniary profit from the operation thereof except that

1 employees of the corporation, if any, may receive compensation for the  
2 performance of their duties as an employee of the corporation.

3 § 138-i. Actions against the trust. Except in an action for wrongful  
4 death, an action against the trust founded on tort shall not be  
5 commenced more than one year and ninety days after the cause of action  
6 therefor shall have accrued, nor unless a notice of claim shall have  
7 been served on the trust within the time limited by, and in compliance  
8 with all the requirements of section fifty-e of the general municipal  
9 law. An action against the trust for wrongful death shall be commenced  
10 in accordance with the notice of claim and time limitation provisions of  
11 title eleven of article nine of the public authorities law.

12 § 6. Subdivision 20 of section 2 of the canal law, as added by chapter  
13 766 of the laws of 1992 and as renumbered by chapter 335 of the laws of  
14 2001, is amended to read as follows:

15 20. ["Commission" shall mean the canal recreationway commission  
16 created pursuant to section one hundred thirty-eight-a of this chapter]  
17 "Trust corporation" shall mean the New York state canal system revitali-  
18 zation trust.

19 § 7. Subdivision 2 of section 11 of the canal law, as added by chapter  
20 167 of the laws of 2002, is amended to read as follows:

21 2. Notwithstanding any inconsistent provision of law, the corporation,  
22 authority, and [commission] trust corporation, including any members,  
23 officers or employees thereof, shall not be liable for damages suffered  
24 by any persons and/or organizations resulting from any actions or activ-  
25 ities of such volunteers and/or volunteer organizations.

26 § 8. Section 51 of the canal law, as amended by chapter 44 of the laws  
27 of 2009, is amended to read as follows:

1 § 51. Method of abandonment. Prior to the exercising of such authority  
2 of abandonment, however, the corporation shall cause a notice of any  
3 proposed abandonment to be [transmitted to the commission and to be]  
4 published once each week for three successive weeks in a newspaper  
5 published in the county wherein such lands are located, except that such  
6 publication shall appear in a newspaper published in the municipality or  
7 locality wherein such lands are located when there is a newspaper  
8 published in such municipality or locality. Such notice shall describe  
9 the lands proposed to be abandoned with sufficient certainty to identify  
10 them and invite interested parties to file written statements either  
11 supporting or opposing the proposed abandonment. Upon the expiration of  
12 the period of publishing said notice, when it is the case that the  
13 assessment for such lands proposed for abandonment is equal to or great-  
14 er than fifty thousand dollars, the corporation shall hold a hearing at  
15 which evidence or further information may be submitted. A record shall  
16 be made of all evidence submitted at such hearing. If no hearing shall  
17 appear to the corporation to be warranted or subsequent to such hearing,  
18 should one be held, the corporation may in its discretion declare such  
19 lands abandoned for the purposes of the canal system. The corporation  
20 shall thereupon issue an official order abandoning the lands for canal  
21 purposes together with a map and description of the lands abandoned and  
22 dispose of any portion of canal lands so abandoned. Any money realized  
23 from the sale of such land shall be deposited into the canal fund.

24 § 9. Section 55 of the canal law, as amended by chapter 335 of the  
25 laws of 2001, is amended to read as follows:

26 § 55. Authority to lease land. 1. The corporation is hereby author-  
27 ized[, after review and comment by the commission as to consistency with  
28 the canal recreationway plan approved pursuant to section one hundred

1 thirty-eight-c of this chapter and section three hundred eighty-two of  
2 the public authorities law,] to enter into leases of canal lands, canal  
3 terminals, and canal terminal lands [which are consistent with the canal  
4 recreationway plan. Such review and comment shall be provided within the  
5 time period set forth in the procedures of the commission established  
6 pursuant to section one hundred thirty-eight-b of this chapter which  
7 shall be no more than sixty days]. The corporation shall give the New  
8 York state canal system revitalization trust notice of any such lease  
9 within sixty days of the date the lease is executed by the parties ther-  
10 eto for the purpose of keeping such trust informed of such matters.

11 2. Lands to be leased shall be determined by the corporation to have  
12 no essential purpose for navigation.

13 3. [Leases of canal lands, canal terminals and canal terminal lands  
14 shall be for purposes which are consistent with the New York state canal  
15 recreationway plan approved pursuant to section one hundred thirty-  
16 eight-c of this chapter and section three hundred eighty-two of the  
17 public authorities law.]

18 [4.] The corporation shall consider fully completed applications for  
19 leases of canal lands, canal terminals and canal terminal lands in such  
20 form and manner as the corporation shall prescribe.

21 [5.] 4. Canal lands, canal terminals and canal terminal lands within  
22 the Adirondack park shall not be leased.

23 [6.] 5. The corporation shall provide assistance, including reasonable  
24 access to lands, as may be necessary to assist potential applicants in  
25 preparing an application.

26 [7.] 6. The corporation may require an applicant for a lease to  
27 provide necessary property surveys, environmental studies, maps and  
28 photographs, site plans and such other documents and studies as the

1 corporation may determine to be necessary [to ascertain the compatibili-  
2 ty of proposed development with the New York state canal recreationway  
3 plan] and for the corporation to select a qualified lessee.

4 [8.] 7. Revenues realized from the lease of canal lands, canal termi-  
5 nals and canal terminal lands shall be deposited into the canal fund.

6 § 10. Subdivision 6 of section 56 of the canal law, as amended by  
7 chapter 335 of the laws of 2001, is amended to read as follows:

8 6. provisions providing a right of entry for [commission and] corpo-  
9 ration members and personnel and equipment for canal purposes; and

10 § 11. Section 57 of the canal law is REPEALED.

11 § 12. Subdivision 24 of section 10 of the canal law, as amended by  
12 chapter 335 of the laws of 2001, is amended to read as follows:

13 24. Prepare on an annual basis a detailed five-year capital plan for  
14 the maintenance and improvement of canal infrastructure. Such plan shall  
15 set system-wide goals and objectives for capital spending and[, commenc-  
16 ing January first, nineteen hundred ninety-five] after January first,  
17 two thousand twenty-two, describe the compatibility of such plan [to the  
18 canal recreationway plan approved pursuant to section one hundred thir-  
19 ty-eight-c of this chapter] with canal system revitalization purposes as  
20 stated in section one hundred thirty-eight-c of this chapter. Such plan  
21 shall include but not be limited to such capital project categories as  
22 locks, canal bridges, channels, shorelines, dams, guard gates, and other  
23 structures necessary for safe and successful operation of the canal  
24 system. The plan shall also include a detailed schedule of all capital  
25 projects which the authority intends to undertake within the next five  
26 years and shall provide the following information for each such capital  
27 project: (a) a description of the project; (b) an indication of the  
28 category into which the project has been classified in the capital plan;

1 (c) the estimated total cost of the project and expenditures by year for  
2 such project; (d) the actual disbursements by project for the prior  
3 year; and (e) the estimated dates of project initiation and completion.  
4 The plan shall also include a statement of the mix of financing methods  
5 to be used by the authority for financing the capital plan. The capital  
6 plan shall be submitted to the governor, the temporary president of the  
7 senate and the speaker of the assembly on the first day of January of  
8 each year [commencing in nineteen hundred ninety-three].

9 § 13. Subdivision 1 of section 103 of the canal law, as amended by  
10 chapter 335 of the laws of 2001, is amended to read as follows:

11 1. The corporation shall have the power to impose tolls for the  
12 passage through locks and lift bridges by vessels which are propelled in  
13 whole or in part by mechanical power, and to collect such tolls by the  
14 sale of lock and lift bridge passes issued for such periods of time as  
15 the corporation shall determine. Tolls for such lock and lift bridge  
16 passes shall be established by regulation of the corporation [with the  
17 advice of the canal recreationway commission and following no fewer than  
18 two public hearings at geographically dispersed locations on the canal  
19 system. In addition, the corporation may provide by regulation for the  
20 sale of lock and lift bridge passes by any other entity, and may allow a  
21 charge for handling by such other entities not to exceed one dollar for  
22 each pass. No tolls shall be imposed or collected prior to the first day  
23 of April, nineteen hundred ninety-three] or by formal action of the  
24 corporation board. Vessels owned by the United States, a state, or  
25 subdivision thereof shall be exempted from the tolls authorized by this  
26 section.

1 § 14. Paragraph 2 of subdivision (a) of section 168 of the economic  
2 development law, as amended by chapter 33 of the laws of 2006, is  
3 amended to read as follows:

4 (2) the chairman or his or her designated representative of the New  
5 York state thruway authority, the New York power authority, and the  
6 tourism advisory council, the New York state council on the arts, the  
7 canal corporation, [the canal recreationway commission,] the Olympic  
8 regional development authority, and the Hudson River park trust;

9 § 15. Paragraph (m) of subdivision 9 of section 1005-b of the public  
10 authorities law, as added by section 22 of part TT of chapter 54 of the  
11 laws of 2016, is amended to read as follows:

12 (m) [approve and implement the New York state canal recreationway plan  
13 submitted pursuant to section one hundred thirty-eight-c of the canal  
14 law. The canal corporation's review and approval of the canal recrea-  
15 tionway plan shall be based upon its consideration of a generic environ-  
16 mental impact statement prepared by the canal corporation in accordance  
17 with article eight of the environmental conservation law and the regu-  
18 lations thereunder. Prior] prior to the implementation of any substan-  
19 tial improvement by the canal corporation on canal lands, canal termi-  
20 nals, or canal terminal lands, or the lease of canal lands, canal  
21 terminals, or canal terminal lands for substantial commercial improve-  
22 ment, the canal corporation, [in addition to any review taken pursuant  
23 to] comply with section 14.09 of the parks, recreation and historic  
24 preservation law[, shall conduct a reconnaissance level survey within  
25 three thousand feet of such lands to be improved of the type, location,  
26 and significance of historic buildings, sites, and districts listed on,  
27 or which may be eligible, for the state or national registers of histor-  
28 ic places. The findings of such survey shall be used to identify signif-

1 icant historical resources and to determine whether the proposed  
2 improvements are compatible with such historic buildings, sites, and  
3 districts];

4 § 16. Subdivision 10 of section 1005-b of the public authorities law,  
5 as added by section 22 of part TT of chapter 54 of the laws of 2016, is  
6 amended as follows:

7 10. [(a) The canal corporation shall review the budget request submit-  
8 ted by the canal recreationway commission pursuant to section one  
9 hundred thirty-eight-b of the canal law.

10 (b)] The canal corporation, on or before the fifteenth day of Septem-  
11 ber of each year, shall submit to the director of the budget a request  
12 for the expenditure of funds available from the New York state canal  
13 system development fund pursuant to section ninety-two-u of the state  
14 finance law or available from any other non-federal sources appropriated  
15 from the state treasury.

16 [(c) In the event that the request submitted by the canal corporation  
17 to the director of the budget differs from the request submitted by the  
18 commission to the canal corporation, then the request submitted by the  
19 canal corporation to the director of the budget shall specify the  
20 differences and shall set forth the reasons for such differences.]

21 § 17. Construction. This act, being necessary for the welfare of the  
22 state and its inhabitants, shall be liberally construed to effectuate  
23 its purposes.

24 § 18. This act shall take effect immediately.