S T A T E O F N E W Y O R K

4793

2011-2012 Regular Sessions

I N S E N A T E

April 25, 2011

Introduced by Sen. O'MARA -- 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 establishing the New York state indigenous natural gas value added task force; and providing for the repeal of such provisions upon the expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The legislature hereby finds and declares that within New York state lies the Marcellus shale which is a black shale formation extending deep underground from Ohio and West Virginia northeast into Pennsylvania and southern New York. According to the New York state department of environmental conservation some geologists estimate that the entire Marcellus shale formation contains between 168 trillion to 516 trillion cubic feet of natural gas throughout its entire extent. It is not yet known how much gas will be commercially recoverable from the Marcellus shale in New York state. New York state currently uses 1.1 trillion cubic feet of natural gas a year. In order for New York state to derive the full value of this commodity located in the state, we need to utilize the gas in New York state for manufacturing and other value added activities.

S 2. Article 19 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

NEW YORK STATE INDIGENOUS NATURAL GAS VALUE ADDED TASK FORCE

SECTION 19-1301. NEW YORK STATE INDIGENOUS NATURAL GAS VALUE ADDED TASK FORCE.

19-1303. TASK FORCE COMPOSITION.

19-1305. POWERS AND DUTIES OF THE TASK FORCE.

S 19-1301. NEW YORK STATE INDIGENOUS NATURAL GAS VALUE ADDED TASK FORCE.

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

LBD07314-01-1

1. THE NEW YORK STATE INDIGENOUS NATURAL GAS VALUE ADDED TASK FORCE IS HEREBY ESTABLISHED.

THE ROLE OF THE TASK FORCE SHALL INCLUDE, BUT NOT BE LIMITED TO, CONDUCTING AN IN-DEPTH EXAMINATION OF ISSUES RELATED TO THE VALUE ADDED OPPORTUNITIES FOR INDIGENOUS NATURAL GAS IN NEW YORK STATE.

S 19-1303. TASK FORCE COMPOSITION.

1. THE TASK FORCE SHALL CONSIST OF A TOTAL OF NINE MEMBERS AND SHALL INCLUDE THE COMMISSIONER, THE COMMISSIONER OF ECONOMIC DEVELOPMENT, THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, THE CHAIR OF THE PUBLIC SERVICE COMMISSION, THE EXECUTIVE DIRECTOR OF THE FOUNDATION FOR SCIENCE, TECHNOLOGY AND INNOVATION, AND ONE MEMBER EACH APPOINTED BY THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY.

2. THE COMMISSIONER OR HIS OR HER DESIGNATED REPRESENTATIVE SHALL SERVE AS CHAIRPERSON OF THE TASK FORCE.

3. FOR THE PURPOSES OF THIS SECTION, NON-GOVERNMENTAL APPOINTEES SHALL BE CONSIDERED OFFICERS OR EMPLOYEES OF PUBLIC ENTITIES AND SHALL BE AFFORDED SUCH DEFENSE AND INDEMNIFICATION PROVIDED UNDER THE PUBLIC OFFICERS LAW.

4. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

5. NO APPOINTED MEMBER OF THE TASK FORCE SHALL BE AN ELECTED OR APPOINTED PUBLIC OFFICER.

S 19-1305. POWERS AND DUTIES OF THE TASK FORCE.

1. THE TASK FORCE SHALL MEET QUARTERLY, OR AT THE CALL OF THE CHAIRPERSON.

2. IN RECOGNITION OF THE IMPORTANCE OF THE VALUE ADDED POTENTIAL OF THE MARCELLUS SHALE NATURAL GAS, THE TASK FORCE MAY CONSULT WITH ANY ORGANIZATION, EDUCATIONAL INSTITUTION, OTHER GOVERNMENT ENTITY OR AGENCY OR PERSON IN THE DEVELOPMENT OF ITS RECOMMENDATIONS.

3. THE DEPARTMENT SHALL PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE AND DATA AS WILL ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES. ADDITIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF MAY, AT THE REQUEST OF THE CHAIRPERSON, PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE, AND DATA TO ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES.

4. WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS TITLE, THE TASK FORCE SHALL ISSUE A DRAFT REPORT ON THE VALUE ADDED OPPORTUNITIES OF THE MARCELLUS SHALE NATURAL GAS.

COPIES OF THE REPORT SHALL ALSO BE MADE AVAILABLE TO THE PUBLIC AND POSTED ON THE DEPARTMENT'S WEBSITE AND NOTICE OF THE AVAILABILITY OF SUCH PLAN SHALL BE PUBLISHED IN THE ENVIRONMENTAL NOTICE BULLETIN.

S 3. This act shall take effect on the ninetieth day after it shall have become a law and shall expire and be deemed repealed five years after such effective date.