

1121

2009-2010 Regular Sessions

I N S E N A T E

January 26, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Environmental Conser-
vation

AN ACT to amend the environmental conservation law, in relation to
establishing the New York state climate change task force

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

1 Section 1. Article 19 of the environmental conservation law is amended
2 by adding a new title 13 to read as follows:

3 TITLE 13

4 NEW YORK STATE CLIMATE CHANGE TASK FORCE

5 SECTION 19-1301. CLIMATE CHANGE TASK FORCE.

6 19-1303. TASK FORCE COMPOSITION.

7 19-1305. POWERS AND DUTIES OF THE TASK FORCE.

8 S 19-1301. CLIMATE CHANGE TASK FORCE.

9 1. THE NEW YORK STATE CLIMATE CHANGE TASK FORCE IS HEREBY ESTABLISHED.
10 THE ROLE OF THE TASK FORCE SHALL INCLUDE, BUT NOT BE LIMITED TO,
11 CONDUCTING AN IN-DEPTH EXAMINATION OF ISSUES RELATED TO GLOBAL CLIMATE
12 CHANGE INCLUDING:

13 A. ASSESSING THE POTENTIAL IMPACTS OF GLOBAL CLIMATE CHANGE ON THE
14 CITIZENS, NATURAL RESOURCES, AND ECONOMY OF THE STATE. SUCH RESEARCH
15 SHALL INCLUDE POTENTIAL IMPACTS ON AGRICULTURE, TRANSPORTATION, PROPERTY
16 VALUES, PUBLIC HEALTH, INSURANCE, AND COMMERCIAL AND INDUSTRIAL SECTORS.
17 RESEARCH SHALL ALSO INCLUDE POTENTIAL IMPACTS ON WATERS, FORESTS,
18 WETLANDS, AND THE AVAILABILITY OF FRESHWATER RESOURCES OF THE STATE.
19 POTENTIAL IMPACTS ON INFRASTRUCTURE, INCLUDING SUBWAYS, BRIDGES, LOW-LY-
20 ING ROADS, CAUSEWAYS, WATER AND WASTEWATER TREATMENT PLANTS, AND DOCKS,
21 SHALL BE INCLUDED, AS WELL AS POTENTIAL IMPACTS ON INDUSTRIES INCLUDING
22 SHIPPING, TIMBER, FISHERIES, POWER GENERATION, HEALTHCARE, TOURISM, AND
23 RECREATION. SUCH ASSESSMENT SHALL ALSO INCLUDE A REVIEW OF EXISTING
24 RELATED RESEARCH;

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

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1 B. IDENTIFYING AND EVALUATING CURRENT EFFORTS TO TRACK AND MITIGATE
2 CLIMATE CHANGE AND ITS POTENTIAL IMPACTS ON THE NORTHEAST REGION,
3 INCLUDING THE REGIONAL GREENHOUSE GAS INITIATIVE, PARTICULARLY ON NEW
4 YORK STATE;

5 C. IDENTIFYING AND EVALUATING POTENTIAL CARBON EMISSIONS REDUCTION
6 MEASURES IDENTIFIED IN TERMS OF GREENHOUSE GAS EMISSIONS REDUCTION
7 POTENTIAL, COST EFFECTIVENESS, SHORT AND LONG-TERM STATE SPECIFIC
8 ECONOMIC IMPACTS, ADMINISTRATIVE FEASIBILITY AND EQUITY CONCERNS;

9 D. EVALUATING THE POTENTIAL ECONOMIC EFFECTS THAT MAY ARISE FROM
10 ACTIONS TO ADDRESS GLOBAL CLIMATE CHANGE;

11 E. IDENTIFYING AND EVALUATING CURRENT EFFORTS UNDERWAY IN NEW YORK
12 STATE TO EDUCATE THE PUBLIC, AS WELL AS SPECIFIC SECTORS INCLUDING AGRI-
13 CULTURE, HEALTH, TRANSPORTATION, RECREATION, INSURANCE, AND INDUSTRIAL,
14 AND COMMERCIAL SECTORS, ABOUT PROJECTED IMPACTS OF CLIMATE CHANGE;

15 F. EVALUATING AND ASSESSING ANY ADAPTIVE MEASURES IDENTIFIED IN TERMS
16 OF FEASIBILITY, ECONOMIC AND PUBLIC HEALTH IMPACTS, AND EFFECTIVENESS.
17 FOR THE PURPOSES OF THIS SECTION, THE TERM "ADAPTIVE MEASURES" REFERS TO
18 ACTIONS THAT MAY BE TAKEN TO ADDRESS THE ANTICIPATED CONSEQUENCES OF
19 CLIMATE CHANGE;

20 G. REVIEWING AND ASSESSING THE IMPLEMENTATION STATUS OF THE RECOMMEN-
21 DATIONS FROM THE NEW YORK GREENHOUSE GAS TASK FORCE ISSUED IN APRIL OF
22 TWO THOUSAND THREE; AND

23 H. ASSESSING THE STATE'S CAPACITY TO MEET THE STATEWIDE GREENHOUSE GAS
24 EMISSION REDUCTION TARGET AS ESTABLISHED IN THE TWO THOUSAND TWO ENERGY
25 PLAN AS UPDATED, A TWENTY PERCENT REDUCTION OF GREENHOUSE GAS EMISSIONS
26 BY TWO THOUSAND TWENTY, AND AN EIGHTY PERCENT REDUCTION OF GREENHOUSE
27 GAS EMISSIONS BY TWO THOUSAND FIFTY.

28 2. THE TASK FORCE SHALL DEVELOP A CLIMATE CHANGE ACTION PLAN THAT WILL
29 INCORPORATE BOTH CARBON REDUCTION MEASURES AND ADOPTIVE MEASURES
30 DESIGNED TO BOTH REDUCE THE SEVERITY OF CLIMATE CHANGE AND BETTER POSI-
31 TION THE STATE AND ITS CITIZENS TO LIVE WITH THE IMPACTS ASSOCIATED WITH
32 CLIMATE CHANGE. SUCH PLAN SHALL INCLUDE, BUT NOT BE LIMITED TO:

33 A. AN INVENTORY OF GREENHOUSE GAS EMISSIONS IN THIS STATE INCLUDING
34 STATIONARY AND MOBILE SOURCES;

35 B. RESULTS OF THE EVALUATION OF POTENTIAL CARBON EMISSIONS REDUCTION
36 MEASURES;

37 C. RESULTS OF THE EVALUATION OF CURRENT EFFORTS TO MITIGATE CLIMATE
38 CHANGE;

39 D. RECOMMENDATIONS TO ADDRESS POTENTIAL CLIMATE CHANGE IN NEW YORK,
40 WHICH SHALL INCLUDE:

41 (I) POTENTIAL GREENHOUSE GAS EMISSIONS REDUCTION MEASURES THAT SHOULD
42 BE UNDERTAKEN BY THE STATE;

43 (II) A LISTING AND EXPLANATION OF POTENTIAL ADAPTIVE MEASURES APPRO-
44 PRIATE FOR NEW YORK STATE, INCLUDING REDUCING HEALTH AND FLOODING RISKS,
45 AND POTENTIAL SHIFTS IN AGRICULTURE AND FORESTRY;

46 (III) A CONSIDERATION OF EFFORTS BEING MADE AT THE NATIONAL AND INTER-
47 NATIONAL LEVEL TO ADDRESS CLIMATE CHANGE;

48 (IV) RECOMMENDATIONS TO ENHANCE CLIMATE CHANGE RESEARCH, MONITORING
49 AND PUBLIC EDUCATION IN NEW YORK; AND

50 (V) ECONOMIC OPPORTUNITIES THAT SHOULD BE CONSIDERED WHICH COULD
51 BETTER POSITION NEW YORK IN RESPONDING TO CLIMATE CHANGE; AND

52 E. RECOMMENDATIONS FOR ACHIEVING THE MAXIMUM TECHNOLOGICALLY FEASIBLE
53 AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM SOURCES
54 OR CATEGORIES OF SOURCES OF GREENHOUSE GASES OF A TWENTY PERCENT
55 REDUCTION OF GREENHOUSE GAS EMISSIONS BY TWO THOUSAND TWENTY AND AN
56 EIGHTY PERCENT REDUCTION OF GREENHOUSE GAS EMISSIONS BY TWO THOUSAND

1 FIFTY. THE RECOMMENDATIONS SHALL BE ON DIRECT EMISSION REDUCTION MEAS-
2 URES, ALTERNATIVE COMPLIANCE MECHANISMS, MARKET-BASED COMPLIANCE MECH-
3 ANISMS, AND POTENTIAL MONETARY AND NONMONETARY INCENTIVES FOR SOURCE AND
4 CATEGORIES OF SOURCES. THE TASK FORCE SHALL EVALUATE THE TOTAL POTENTIAL
5 COSTS AND TOTAL POTENTIAL ECONOMIC AND NONECONOMIC BENEFITS OF THE PLAN
6 FOR REDUCING GREENHOUSE GASES TO THE STATE'S ECONOMY, ENVIRONMENT AND
7 PUBLIC HEALTH. THE TASK FORCE SHALL ALSO TAKE INTO ACCOUNT THE RELATIVE
8 CONTRIBUTION OF EACH SOURCE OR SOURCE CATEGORY TO STATEWIDE GREENHOUSE
9 GAS EMISSIONS, AND THE POTENTIAL FOR ADVERSE EFFECTS ON SMALL BUSI-
10 NESSES, AND SHALL RECOMMEND A DE MINIMIS THRESHOLD OF GREENHOUSE GAS
11 EMISSIONS BELOW WHICH EMISSION REDUCTION REQUIREMENTS WILL NOT APPLY.
12 S 19-1303. TASK FORCE COMPOSITION.

13 1. THE TASK FORCE SHALL CONSIST OF A TOTAL OF TWENTY-ONE MEMBERS AND
14 SHALL INCLUDE THE COMMISSIONER, THE COMMISSIONER OF HEALTH, THE COMMIS-
15 SIONER OF AGRICULTURE AND MARKETS, THE SECRETARY OF STATE, THE COMMIS-
16 SIONER OF ECONOMIC DEVELOPMENT, THE COMMISSIONER OF TRANSPORTATION, THE
17 COMMISSIONER OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE SUPER-
18 INTENDENT OF INSURANCE, THE DIRECTOR OF THE STATE EMERGENCY MANAGEMENT
19 OFFICE, THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOP-
20 MENT AUTHORITY, THE CHAIRPERSON OF THE METROPOLITAN TRANSPORTATION
21 AUTHORITY, A REPRESENTATIVE FROM THE BOARD OF COMMISSIONERS FOR THE PORT
22 AUTHORITY OF NEW YORK AND NEW JERSEY, AND THE CHAIR OF THE PUBLIC
23 SERVICE COMMISSION OR THEIR DESIGNATED REPRESENTATIVES; THE TEMPORARY
24 PRESIDENT OF THE SENATE SHALL APPOINT THREE MEMBERS; THE SPEAKER OF THE
25 ASSEMBLY SHALL APPOINT THREE MEMBERS; THE MINORITY LEADER OF THE SENATE
26 SHALL APPOINT ONE MEMBER; AND THE MINORITY LEADER OF THE ASSEMBLY SHALL
27 APPOINT ONE MEMBER. ALL APPOINTED MEMBERS OF THE TASK FORCE SHALL HAVE
28 AN EXPERTISE IN ONE OR MORE OF THE FOLLOWING FIELDS: CLIMATOLOGY;
29 HYDROLOGY; PLANNING; HEALTH CARE; ENVIRONMENTAL HEALTH; ECOLOGY; AGRI-
30 CULTURE; ECONOMICS; AND ENERGY POLICY.

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

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

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

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

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

43 1. THE TASK FORCE SHALL MEET QUARTERLY, AND AT THE CALL OF THE CHAIR-
44 PERSON.

45 2. IN RECOGNITION OF THE GLOBAL NATURE OF CLIMATE CHANGE, THE TASK
46 FORCE MAY CONSULT WITH ANY ORGANIZATION, EDUCATIONAL INSTITUTION, OTHER
47 GOVERNMENT ENTITY OR AGENCY OR PERSON IN THE DEVELOPMENT OF ITS RECOM-
48 MENDATIONS.

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

55 4. A. WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS TITLE, THE
56 TASK FORCE SHALL ISSUE A DRAFT CLIMATE CHANGE ACTION PLAN AS PROVIDED

FOR IN SUBDIVISION TWO OF SECTION 19-1301 OF THIS TITLE. THE DRAFT CLIMATE CHANGE ACTION PLAN SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE AND A NOTICE OF THE ISSUANCE OF THE DRAFT PLAN SHALL BE POSTED IN THE ENVIRONMENTAL NOTICE BULLETIN. AT LEAST ONE PUBLIC HEARING SHALL BE HELD IN EACH DEPARTMENTAL REGION TO PROVIDE THE PUBLIC WITH THE OPPORTUNITY TO COMMENT ON THE DRAFT CLIMATE CHANGE ACTION PLAN. NOTICE OF SUCH PUBLIC HEARINGS SHALL BE PROVIDED ON THE DEPARTMENT'S WEBSITE AND IN THE ENVIRONMENTAL NOTICE BULLETIN.

B. WITHIN SIXTY DAYS OF THE DATE OF THE FINAL PUBLIC HEARING, THE TASK FORCE SHALL SUBMIT A FINAL CLIMATE CHANGE ACTION PLAN TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY. COPIES OF SUCH CLIMATE CHANGE ACTION PLAN 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.

C. THE CLIMATE CHANGE ACTION PLAN SHALL BE REVIEWED AND UPDATED EVERY TWO YEARS WITH ASSOCIATED PUBLIC HEARINGS, PUBLIC RELEASE AND POSTING OF THE UPDATED PLAN ON THE DEPARTMENT'S WEBSITE AND NOTICE IN THE ENVIRONMENTAL NOTICE BULLETIN.

S 2. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.