

3001--A

2015-2016 Regular Sessions

I N S E N A T E

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Introduced by Sens. ADDABBO, AVELLA, HOYLMAN, KRUEGER, LATIMER, SQUADRON
-- read twice and ordered printed, and when printed to be committed to
the Committee on Environmental Conservation -- recommitted to the
Committee on Environmental Conservation in accordance with Senate Rule
6, sec. 8 -- committee discharged, bill amended, ordered reprinted as
amended and recommitted to said committee

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

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

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1 SHIPPING, TIMBER, FISHERIES, POWER GENERATION, HEALTHCARE, TOURISM, AND
2 RECREATION. SUCH ASSESSMENT SHALL ALSO INCLUDE A REVIEW OF EXISTING
3 RELATED RESEARCH;

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

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

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

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

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

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

26 H. ASSESSING THE STATE'S CAPACITY TO MEET THE STATEWIDE GREENHOUSE GAS
27 EMISSION REDUCTION TARGET AS ESTABLISHED IN THE TWO THOUSAND TWO ENERGY
28 PLAN AS UPDATED, A TWENTY PERCENT REDUCTION OF GREENHOUSE GAS EMISSIONS
29 BY TWO THOUSAND TWENTY-SIX, AND AN EIGHTY PERCENT REDUCTION OF GREEN-
30 HOUSE GAS EMISSIONS BY TWO THOUSAND FIFTY-SIX.

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

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

38 B. RESULTS OF THE EVALUATION OF POTENTIAL CARBON EMISSIONS REDUCTION
39 MEASURES;

40 C. RESULTS OF THE EVALUATION OF CURRENT EFFORTS TO MITIGATE CLIMATE
41 CHANGE;

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

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

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

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

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

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

55 E. RECOMMENDATIONS FOR ACHIEVING THE MAXIMUM TECHNOLOGICALLY FEASIBLE
56 AND COST-EFFECTIVE REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM SOURCES

1 OR CATEGORIES OF SOURCES OF GREENHOUSE GASES OF A TWENTY PERCENT
2 REDUCTION OF GREENHOUSE GAS EMISSIONS BY TWO THOUSAND TWENTY-SIX AND AN
3 EIGHTY PERCENT REDUCTION OF GREENHOUSE GAS EMISSIONS BY TWO THOUSAND
4 FIFTY-SIX. THE RECOMMENDATIONS SHALL BE ON DIRECT EMISSION REDUCTION
5 MEASURES, ALTERNATIVE COMPLIANCE MECHANISMS, MARKET-BASED COMPLIANCE
6 MECHANISMS, AND POTENTIAL MONETARY AND NONMONETARY INCENTIVES FOR SOURCE
7 AND CATEGORIES OF SOURCES. THE TASK FORCE SHALL EVALUATE THE TOTAL
8 POTENTIAL COSTS AND TOTAL POTENTIAL ECONOMIC AND NONECONOMIC BENEFITS OF
9 THE PLAN FOR REDUCING GREENHOUSE GASES TO THE STATE'S ECONOMY, ENVIRON-
10 MENT AND PUBLIC HEALTH. THE TASK FORCE SHALL ALSO TAKE INTO ACCOUNT THE
11 RELATIVE CONTRIBUTION OF EACH SOURCE OR SOURCE CATEGORY TO STATEWIDE
12 GREENHOUSE GAS EMISSIONS, AND THE POTENTIAL FOR ADVERSE EFFECTS ON SMALL
13 BUSINESSES, AND SHALL RECOMMEND A DE MINIMIS THRESHOLD OF GREENHOUSE GAS
14 EMISSIONS BELOW WHICH EMISSION REDUCTION REQUIREMENTS WILL NOT APPLY.

15 S 19-1303. TASK FORCE COMPOSITION.

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

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

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

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

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

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

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

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

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

1 TASK FORCE WITH SUCH FACILITIES, ASSISTANCE, AND DATA TO ENABLE THE TASK
2 FORCE TO CARRY OUT ITS POWERS AND DUTIES.

3 4. A. WITHIN TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS TITLE, THE
4 TASK FORCE SHALL ISSUE A DRAFT CLIMATE CHANGE ACTION PLAN AS PROVIDED
5 FOR IN SUBDIVISION TWO OF SECTION 19-1301 OF THIS TITLE. THE DRAFT
6 CLIMATE CHANGE ACTION PLAN SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE
7 AND A NOTICE OF THE ISSUANCE OF THE DRAFT PLAN SHALL BE POSTED IN THE
8 ENVIRONMENTAL NOTICE BULLETIN. AT LEAST ONE PUBLIC HEARING SHALL BE HELD
9 IN EACH DEPARTMENTAL REGION TO PROVIDE THE PUBLIC WITH THE OPPORTUNITY
10 TO COMMENT ON THE DRAFT CLIMATE CHANGE ACTION PLAN. NOTICE OF SUCH
11 PUBLIC HEARINGS SHALL BE PROVIDED ON THE DEPARTMENT'S WEBSITE AND IN THE
12 ENVIRONMENTAL NOTICE BULLETIN.

13 B. WITHIN SIXTY DAYS OF THE DATE OF THE FINAL PUBLIC HEARING, THE TASK
14 FORCE SHALL SUBMIT A FINAL CLIMATE CHANGE ACTION PLAN TO THE GOVERNOR,
15 THE TEMPORARY PRESIDENT OF THE SENATE AND THE SPEAKER OF THE ASSEMBLY.
16 COPIES OF SUCH CLIMATE CHANGE ACTION PLAN SHALL ALSO BE MADE AVAILABLE
17 TO THE PUBLIC AND POSTED ON THE DEPARTMENT'S WEBSITE AND NOTICE OF THE
18 AVAILABILITY OF SUCH PLAN SHALL BE PUBLISHED IN THE ENVIRONMENTAL NOTICE
19 BULLETIN.

20 C. THE CLIMATE CHANGE ACTION PLAN SHALL BE REVIEWED AND UPDATED EVERY
21 TWO YEARS WITH ASSOCIATED PUBLIC HEARINGS, PUBLIC RELEASE AND POSTING OF
22 THE UPDATED PLAN ON THE DEPARTMENT'S WEBSITE AND NOTICE IN THE ENVIRON-
23 MENTAL NOTICE BULLETIN.

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