STATE OF NEW YORK

8686

2017-2018 Regular Sessions

IN ASSEMBLY

September 25, 2017

Introduced by M. of A. BARNWELL -- read once and referred to the Committee on Environmental Conservation

AN ACT to establish a commission to be known as the "New York city seawall study commission"

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

Section 1. For the purposes of this act, the following terms shall have the following meanings:

1. "Coastline" and "coastal areas" means the coastline and coastal areas of New York city;

2. "Coastal hazards" means the range of environmental processes and events that may affect coastlines or human activity near coastlines, and it includes but is not limited to sea level rise, rising groundwater, coastal flooding, storm surge, coastal storms, or saltwater intrusion; and

3. "Sea level rise" means the mean increase in sea level relative to shoreline, calculated yearly, on the coastline.

§ 2. There is hereby established a commission to be known as the "New York city seawall study commission", hereinafter referred to in this act as the "commission".

§ 3. 1. The commission shall:

(a) be composed of 13 members appointed in accordance with subdivision two of this section; and

(b) conduct its business in accordance with the provisions of this section.

2. The members shall be appointed for the life of the commission as follows:

(a) 3 shall be appointed by the temporary president of the senate;

(b) 1 shall be appointed by the minority leader of the senate;

(c) 3 shall be appointed by the speaker of the assembly;

(d) 1 shall be appointed by the minority leader of the assembly; and

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

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(e) 5 shall be appointed by the governor.

3. The members of the commission shall be individuals who have knowledge or expertise, whether by experience or training, in matters to be studied by the commission under subdivision seven of this section. The members may be from the public sector, who may include federal, state, or local officers or employees, members of academia, nonprofit organizations, or other interested individuals or the private sector. The members shall include at least 5 members of the scientific community whose expertise is in the matters to be studied by the commission under subdivision seven of this section including engineers and pertinent scientists.

4. The temporary president of the senate, the minority leader of the senate, the speaker of the assembly, the minority leader of the assembly and the governor shall consult among themselves prior to the appointment of the members of the commission in order to achieve, to the maximum extent possible, fair and equitable representation of various points of view with respect to the matters to be studied by the commission under subdivision seven of this section. After such consultation each shall make his or her respective appointment not later than 45 days after the effective date of this act. Any vacancy that occurs during the life of the commission shall not affect the powers of the commission and shall be filled in the same manner as the original appointment not later than 45 days after the vacancy occurs.

5. The initial meeting of the commission shall be conducted not later than 30 days after the appointment of the last member of the commission. The first act of the commission shall be to select by consensus a chairperson.

6. A majority of the members shall constitute a quorum to conduct business, but the commission may establish a lesser quorum for conducting hearings scheduled by the commission. Each member shall have 1 vote and the vote of each member shall be accorded the same weight. The commission may establish, by majority vote, any other rules for the conduct of the commission's business, insofar as such rules are not inconsistent with this section or other applicable law.

7. It is the duty of the commission to hold hearings across the state and conduct a comprehensive study on sea levels and a potential seawall on the coastline.

(a) The matters studied by the commission under this subdivision shall include, but not be limited to:

(1) coastal areas at greatest risk from sea level rise;

(2) areas at risk from storm surge with current sea levels;

(3) areas that are likely to be at risk from coastal hazards in the future through year 2100; and

(4) the feasibility, costs, impacts, and locations of a seawall being created to protect the city of New York from sea level rise and storm surge along the entire coastline.

(b) Not later than 2 years after the date on which the commission first meets, the commission shall submit to the governor, the senate, and the assembly a comprehensive report on the commission's findings and conclusions. This report shall include a representation of areas of risk, along with the methodology and criteria for assigning given levels of risk, shall be made available to local governments and the public.

(c) Not later than 3 months after the submission of the report under paragraph (b) of this subdivision, the commission shall issue proposed changes to pertinent state laws and regulations.

8. The commission shall have the power to hold hearings, at such sites and to act at such times and places, to take such testimony, and to receive such evidence as the commission considers advisable to carrying out its duties under this subdivision.

9. The members of the commission shall not be given any form of compensation and shall be allowed no travel expenses while away from their homes or regular places of business in the performance of service for the commission.

§ 4. This act shall take effect immediately.