STATE OF NEW YORK

10731

IN ASSEMBLY

December 23, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Abinanti) -- read once and referred to the Committee on Environmental Conservation

AN ACT establishing a commission to determine the feasibility of forming a State Office of Water; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. A temporary State commission, to be known as the New York State commission on establishing a State Office of Water, hereinafter referred to as "the commission", is hereby established to study the feasibility of establishing an Office of Water within the Department of Environmental Conservation and transferring certain functions and duties currently performed by the Department of Environmental Conservation and other State and local Departments to the Office of Water.

§ 2. (a) The commission shall consist of thirteen members, to be appointed as follows:

(i) two members appointed by the Governor;

(ii) two members appointed by the Temporary President of the Senate;

(iii) two members appointed by the Speaker of the Assembly;

(iv) one member appointed by the minority leader of the Senate;

(v) one member appointed by the minority leader of the Assembly;

(vi) the Commissioner of the Department of Environmental Conservation, or his or her designee;

(vii) the Commissioner of the Department of Health, or his or her designee;

(viii) a Commissioner of the Public Service Commission or his or her designee;

(ix) the Commissioner of Environmental Protection of New York City, or his or her designee; and

(x) the Chair of the Water Resources Planning Council, or his or her designee.

(b) Members of the commission shall serve for terms of three years. Appointments shall be made within sixty days of the effective date of this act. Vacancies on the commission shall be filled in the manner

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

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provided for original appointments. Members may be re-appointed to the commission upon the expiration of their terms.

(c) All members of the commission shall have expertise in fields or disciplines related to water usage, management and/or safety, including but not limited to:

(i) the provision and delivery of water, including potable water, to residents of New York;

(ii) water use and reuse, including standards for reuse and disposal of reclaimed wastewater;

(iii) water quality testing;

(iv) the protection of water bodies, navigable waters, rivers and streams;

(v) the protection of source water areas, groundwater areas and aquifers; or

(vi) the supervision and regulation of the sanitary aspects of water supplies and sewage disposal and control and the prevention and mitigation of pollution of waters of the State.

(d) The majority of the members of the entire commission shall designate one member to serve as the chair of the commission and one member to serve as vice-chair of the commission.

(e) A majority of the members of the commission then in office shall constitute a quorum for the transaction of business or the exercise of any power or function of the commission. An act, determination or decision of the majority of the members present during the presence of a quorum shall be held to be the act, determination, or decision of the commission.

(f) The commission shall meet at least quarterly at the call of the chair. Meetings may be held via teleconference. Special meetings may be called by the chair at the request of a majority of the members of the commission.

(g) Members of the commission shall receive no compensation for their services but shall be reimbursed for their actual expenses incurred in the performance of their duties in the work of the commission.

§ 3. The commission shall:

(a) Study current laws, rules, and regulations pertaining to:

(i) the current provision of water to New York residents across the State;

(ii) the protection of water sources across the State;

(iii) the reduction of contaminants in State water sources; and

(iv) the supervision and regulation of the sanitary aspects of water supplies and sewage disposal and control and the prevention and mitigation of pollution of waters of the State.

(b) Analyze the current system of water distribution in various areas of the State including the provision, the delivery and allocation of water, including potable water, to residents of New York, including the efficiency of and equality in the provision, and the delivery and allocation of such water;

(c) Analyze the feasibility of establishing an Office of Water responsible for developing, overseeing and regulating a cohesive plan for the provision of water, including potable water, to all residents of the State;

(d) Analyze the financial impact on the state's finances of establishing an Office of Water and perform a fiscal analysis of the benefits associated with the creation of such Office including, but not limited to, cost savings, jobs created and jobs retained;

(e) Provide recommendations for a transition of water-related functions currently performed by the Department of Environmental Conservation and the Department of Health to the proposed Office of Water; and

(f) Provide a legal analysis to establish an Office of Water in compliance with the New York State Constitution and state statutes.

§ 4. The commission may establish such advisory committees as it deems appropriate on matters relating to the commission's functions, powers and duties. Such committees shall each be chaired by a member of the commission but may be composed of commission members as well as other individuals selected by the commission to provide expertise of interest specific to the charge of such committee.

§ 5. The commission may, as it deems appropriate, request that studies, surveys, or analyses relating to the commission's powers and duties be performed by any State Department, commission, agency or public authority. All State Departments, commissions, agencies or public authorities shall provide information and advice in a timely manner and otherwise assist the commission with its work.

§ 6. The Department of Environmental Conservation shall provide staff services to the commission and such other administrative assistance as may be necessary for the commission to carry out its duties, functions and powers.

§ 7. The commission shall hold a minimum of three public hearings: one in New York City; one in western New York; and one in upstate eastern New York. The commission may hold additional public hearings in other locations as it deems appropriate.

§ 8. The commission shall make a preliminary report to the Governor and the legislature of its findings, conclusions, recommendations and activities already undertaken by the commission, not later than six months after the effective date of this act and shall provide an updated report every six months thereafter. A final report of the commission's findings, conclusions, recommendations and activities already undertaken by the commission shall be provided to the Governor and the legislature not later than two years after the delivery of the preliminary report.

§ 9. This act shall take effect on the sixtieth day after it shall have become a law and shall expire six years after it shall have become a law when upon such date the provisions of this act shall be deemed repealed.