

# ENVIRONMENTAL QUESTIONS UP FOR A VOTE BY NEW YORKERS

NYPIRG  
OCTOBER 2021



# New York State Constitution

Current NYS  
Constitution largely  
adopted in 1938  
(provisions exist from  
1894)

5<sup>th</sup> different NYS  
Constitution

Public has ability to call  
for Constitutional  
Convention every 20  
years

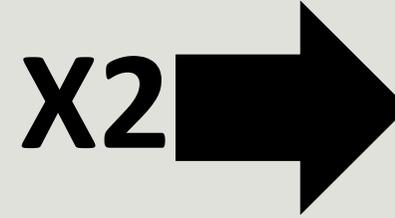
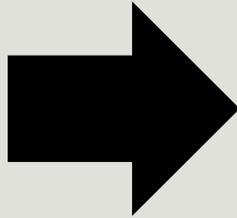
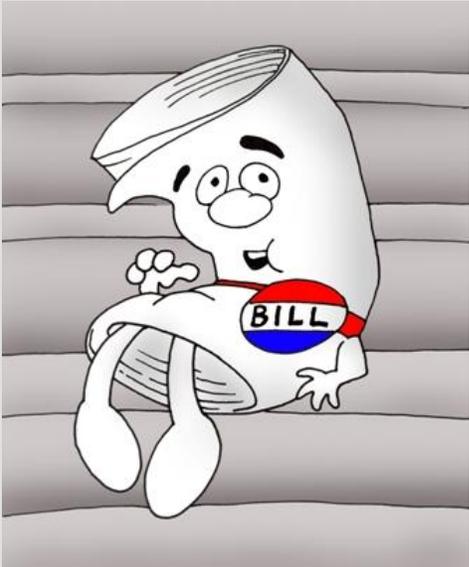
- Last vote was in 2017

As of now, has 20  
Articles

Covers more topics  
than US Constitution

# How does the NYS Constitution get amended?

---





**What's  
on the  
ballot?**

---

# 5 Ballot Initiatives

---

**Proposal 1: Redistricting Reform**

---

**Proposal 2: Right to a Clean Air & Water**

---

**Proposal 3: Eliminate 10-day voter registration deadline**

---

**Proposal 4: Eliminate the need for an excuse to get an absentee, mail-in, ballot**

---

**Proposal 5: Expand jurisdiction of the civil court in NYC**

---

**See:**

**<https://www.elections.ny.gov/2021BallotProposals.html>**

# **Environmental hazards**

- **This fall, New Yorkers have an opportunity to vote and add the right to clean air, water and a healthful environment to the State Constitution.**
- **Millions of New Yorkers live in areas where chemicals and contaminants threaten water supplies, air pollution results in 6,000 premature deaths in the state each year and communities and critical wildlife habitats are threatened by development. Toxic chemicals in the water are making people sick, while air pollution triggers asthma and heart attacks, causes lung cancer, and leads to premature deaths.**

# Ballot Question #2

- **Right to Clean Air, Clean Water, and a Healthful Environment**
- **The proposed amendment to Article I of the New York Constitution would establish the right of each person to clean air and water and a healthful environment. Shall the proposed amendment be approved?**

## **Ballot Question #2: Impact**

- **Would strengthen the requirement that State, County, City, Township, and Village governments take health and environmental impacts into consideration when making all decisions**
- **Grants New Yorkers a constitutional right to clean air and water**

## Other States With Environmental Rights

**Six states—Illinois, Pennsylvania, Montana, Massachusetts, Hawaii and Rhode Island—have similar environmental protection planks in their constitutions.**

*State Constitutions and Environmental Bills of Rights*, Art English and John J. Carroll, The Book of States 2015, The Council of State Governments.

<http://knowledgecenter.csg.org/kc/system/files/English%20Carroll%202015.pdf>.

# Climate Crisis

According to information from New York's Department of Environmental Conservation (DEC):

- Since 1970, the average temperature in New York has risen 2.4 degrees Fahrenheit, with winter warming exceeding 4.4 degrees.
- Additionally, precipitation has seen more variability, with less precipitation in the summer and more in the winter.
- Based on modeling, temperatures in New York will be up 3 degrees and precipitation will increase by 8% compared to the 1970-2000 period by the 2020s. Upstate New York's climate will soon resemble North Carolina's according to modeling projections.
- As a result, New York has experienced the following, which will only grow worse if climate action isn't taken and proper investments aren't made:
  - Increased severe storms, with major costs associated. For example, in 2012 "Super Storm Sandy" caused \$19 billion in damages in New York City alone and damaged 305,000 housing units, mostly due to flooding. Hurricane Ida recently caused 13 deaths, 11 from flooding of basement apartments.
  - From 2009 to 2017, the number of reported harmful blue-green algae blooms has been increasing. This is likely a result of higher temperatures and greater nutrient pollution.

## **Environmental bond act vote in 2022**

**To address and combat the impact of climate change and damage to the environment, the Environmental Bond Act of 2022 "Restore Mother Nature" authorizes the sale of state bonds up to three billion dollars to fund environmental protection, natural restoration, resiliency, and clean energy projects. Shall the Environmental Bond Act of 2022 be approved?**

# The justification for the Bond Act

- **“fund critical environmental restoration projects in every corner of the state to ensure New York is able to withstand the threat of more intense and frequent storms fueled by climate change.”**

# Who Should Pay?

- **The polluters responsible for the climate crisis, who are often the same industries that have harmed water quality, must be on the hook to pay back this bond act. Big oil and gas companies have known since the 1970s of the problems associated with the burning of fossil fuels. They knew it would heat up the planet and cause dire change in the environment. *They accurately predicted the timetable in which those changes would occur.***
- **But instead of being responsible, they used their considerable clout to lie about the evidence to the public, undermine the science, hire consultants and lobbyists to derail pro-health and environment reforms, and shower campaign contributions on those candidates who would do their bidding.**
- **The Governor and state lawmakers must adhere to the principle that the polluter is responsible for the mess they created.**

**Restoration  
and flood risk  
reduction**  
*Not less than  
\$1 billion*

- **Wetland, floodplain and stream restoration**
- **Flood buyouts for willing sellers**
- **Dam removal and fixing culverts for fish passage and flood reduction**
- **Endangered and threatened species conservation projects**
- **Projects identified in lake, river or estuary action agendas**

**Water quality  
improvement and  
resilient  
infrastructure**  
*Not less than  
\$550 million*

- **Wastewater infrastructure projects**
- **Municipal stormwater projects**
- **Municipal grants for stormwater with green infrastructure**
- **Agricultural nutrient pollution**
- **Harmful Algal Bloom abatement**
- **Sewer line replacements for failing septics or cesspools**
- **Projects to reduce, eliminate or avoid point source and nonpoint source discharge to water including projects authorized by the Clean Water Infrastructure Act of 2017**
- **Projects to establish stream buffers**
- **Lead service line replacements**

**Open space land  
conservation  
and  
recreation *Up to  
\$550 million***

- **Fish hatchery upgrades**
- **Open space preservation and conservation**
- **Farmland preservation**

**Climate change  
mitigation**  
*Up to \$700  
million*

- **Green building projects including investments for green infrastructure and renewable energy on SUNY, CUNY and community college buildings**
- **Investments to reduce urban heat such as green roofs, open space preservation urban tree plantings and community cooling centers**
- **Reducing water pollution affecting environmental justice communities**

**Environmental  
Justice**  
*35 percent of  
funds*

**The state is required to use 35 percent of bond act funds for the benefit of environmental justice communities. This requirement is similar to the provision included in the landmark 2019 Climate Leadership and Community Protection Act.**

**Update!**

- **Governor Hochul is recommending another \$1 billion on top of the \$3 billion already on the 2022 ballot.**