

5646

2009-2010 Regular Sessions

I N   A S S E M B L Y

February 17, 2009

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Introduced by M. of A. ORTIZ, GALEF, JAFFEE, FIELDS, LUPARDO, WRIGHT, ALESSI, EDDINGTON, MAYERSOHN, CLARK, BOYLAND, LAVINE, LATIMER, ESPAILLAT, COLTON, SCHIMEL -- Multi-Sponsored by -- M. of A. ALFANO, BRENNAN, BROOK-KRASNY, DIAZ, GREENE, JACOBS, KOON, LIFTON, MARKEY, McDONOUGH, MILLMAN, REILLY, ROSENTHAL, SWEENEY, TITUS, TOWNS, WEISENBERG -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to reducing global warming emissions levels

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

1     Section 1. Legislative findings. The legislature hereby finds and  
2 declares it necessary to join the worldwide fight against global warming  
3 and its detrimental impact on the public health, environment, and the  
4 economy of New York state. The legislature finds that global warming  
5 threatens New York state's environment and economic security through  
6 projected changes in temperature, precipitation and sea level. These  
7 changes harm natural ecosystems, threaten industries including agricul-  
8 ture, forestry, fishing and tourism, and harm the health of New Yorkers.  
9 The legislature finds it necessary to implement a statewide cap on emis-  
10 sions levels and in effectively doing so, to implement a mandatory  
11 reporting system to track and monitor global warming emissions levels.

12     S 2. The environmental conservation law is amended by adding a new  
13 section 19-0312 to read as follows:

14 S 19-0312. REDUCTIONS IN GLOBAL WARMING EMISSIONS.

15     1. NO LATER THAN JANUARY FIRST, TWO THOUSAND TEN, THE COMMISSIONER  
16 SHALL PROMULGATE RULES AND REGULATIONS IMPLEMENTING A STATEWIDE  
17 REDUCTION IN GLOBAL WARMING EMISSIONS IN ACCORDANCE WITH THE PROVISIONS  
18 OF THIS SECTION. SUCH RULES AND REGULATIONS SHALL SET PERMANENT CAPS ON  
19 LEVELS OF TOTAL GLOBAL WARMING EMISSIONS, WHICH FOR ALL SOURCES SUBJECT  
20 TO THIS SECTION SHALL BE AS FOLLOWS:

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

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1 (A) AS OF JANUARY FIRST, TWO THOUSAND THIRTEEN, A FIFTEEN PERCENT  
2 REDUCTION IN TOTAL EMISSIONS;

3 (B) AS OF JANUARY FIRST, TWO THOUSAND FIFTEEN, A TWENTY PERCENT  
4 REDUCTION IN TOTAL EMISSIONS;

5 (C) BY TWO THOUSAND TWENTY, A TWENTY-FIVE PERCENT REDUCTION IN TOTAL  
6 EMISSIONS, AT WHICH SUCH LEVEL OF EMISSIONS SHALL BE NO MORE THAN THE  
7 TOTAL EMISSIONS LEVEL IN NINETEEN HUNDRED NINETY; AND

8 (D) BY TWO THOUSAND FIFTY, AN EIGHTY PERCENT REDUCTION IN TOTAL EMIS-  
9 SIONS AT WHICH SUCH LEVEL OF EMISSIONS SHALL BE NO MORE THAN THE TOTAL  
10 EMISSIONS LEVEL IN NINETEEN HUNDRED NINETY.

11 2. THE COMMISSIONER SHALL ESTABLISH A STATEWIDE MANDATORY REPORTING  
12 SYSTEM TO TRACK AND MONITOR GLOBAL WARMING EMISSIONS LEVELS AND SHALL  
13 FORMULATE A PLAN BY WHICH NEW YORK STATE BUSINESS SHALL UNIFORMLY ADAPT  
14 AND COMPLY WITH THE RULES AND REGULATIONS REQUIRED BY THIS SECTION.

15 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO CONFLICT WITH ANY  
16 OTHER EXISTING PROVISION OF LAW RELATING TO ANY MEASURES OR PRACTICES  
17 TAKEN TO RESTRICT, REDUCE OR LIMIT ANY EMISSIONS FOUND TO CONTRIBUTE TO  
18 GLOBAL WARMING AND SHALL NOT BE CONSTRUED TO SUPERSEDE MORE STRINGENT  
19 EMISSION LIMITATIONS OR PRACTICES APPLICABLE ON THE EFFECTIVE DATE OF  
20 THIS SECTION OR MAY BECOME APPLICABLE AFTER SUCH EFFECTIVE DATE.

21 S 3. This act shall take effect immediately.