S T A T E O F N E W Y O R K

2213

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. DINOWITZ, FIELDS, BENEDETTO, COLTON, BROOK-KRASNY, LAVINE, BOYLAND, STIRPE, CLARK -- Multi-Sponsored by -- M. of A. BENJAMIN, FINCH, GABRYSZAK, GOTTFRIED, JAFFEE, MAISEL, MARKEY, MAYERSOHN, McENENY, SPANO, THIELE -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the general business law, in relation to the regulation of providers of carbon offset services

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

Section 1. The general business law is amended by adding a new section 392-j to read as follows:

S 392-J. CARBON OFFSET SERVICE. 1. FOR PURPOSES OF THIS SECTION:

(A) "CARBON OFFSET" SHALL MEAN THE MEANS BY WHICH A CARBON OFFSET PROVIDER ATTEMPTS TO REDUCE THE NET CARBON EMISSIONS OF AN INDIVIDUAL OR ORGANIZATION. SUCH MEANS SHALL INCLUDE, BUT NOT BE LIMITED TO PROVIDING RENEWABLE ENERGY, INCREASING ENERGY EFFICIENCY, OR PARTICIPATING IN A REFORESTATION PROJECT;

(B) "CARBON OFFSET PROVIDER" SHALL MEAN ANY PERSON, PARTNERSHIP, FIRM OR CORPORATION THAT OFFERS FOR SALE CARBON OFFSET CREDITS;

(C) "CARBON OFFSET SERVICE" SHALL MEAN AN ARRANGEMENT BETWEEN A CARBON OFFSET PROVIDER AND AN INDIVIDUAL OR ORGANIZATION WHEREBY THE CARBON OFFSET PROVIDER SELLS CARBON OFFSET CREDITS TO SUCH INDIVIDUAL OR ORGANIZATION.

2. THE SECRETARY OF STATE, IN CONSULTATION WITH THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION, SHALL ESTABLISH LICENSING REQUIREMENTS FOR ANY CARBON OFFSET PROVIDER OFFERING CARBON OFFSET SERVICES.

3. WITHIN THE ESTABLISHED LICENSING REQUIREMENTS REQUIRED BY SUBDIVISION TWO OF THIS SECTION, THE SECRETARY OF STATE AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION SHALL DEVELOP PROCEDURES TO REGULATE PROVIDERS OF CARBON OFFSET SERVICES. SUCH REGULATIONS SHALL INCLUDE A REQUIREMENT THAT THE CARBON OFFSET PROVIDER SUPPLY THE INDIVIDUAL OR ORGANIZA-

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

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TION WITH CERTIFICATION OR VERIFICATION THAT ANY PURCHASED CARBON OFFSETS HAVE BEEN IMPLEMENTED.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately the secretary of state and the commissioner of environmental conservation are authorized to promulgate any rule or regulation and take any other measures necessary to implement this act on its effective date.