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

1266

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. ORTIZ, GALEF, JAFFEE, LUPARDO, WRIGHT, MAYERSOHN, CLARK, BOYLAND, LAVINE, LATIMER, COLTON, SCHIMEL, CASTRO -- Multi-Sponsored by -- M. of A. BRENNAN, BROOK-KRASNY, JACOBS, 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:

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

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

S 19-0312. REDUCTIONS IN GLOBAL WARMING EMISSIONS.

1. NO LATER THAN JANUARY FIRST, TWO THOUSAND TWELVE, THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS IMPLEMENTING A STATEWIDE REDUCTION IN GLOBAL WARMING EMISSIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION. SUCH RULES AND REGULATIONS SHALL SET PERMANENT CAPS ON LEVELS OF TOTAL GLOBAL WARMING EMISSIONS, WHICH FOR ALL SOURCES SUBJECT 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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(A) AS OF JANUARY FIRST, TWO THOUSAND FIFTEEN, A FIFTEEN PERCENT REDUCTION IN TOTAL EMISSIONS;

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

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

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

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

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

S 3. This act shall take effect immediately.