

2742

2011-2012 Regular Sessions

I N S E N A T E

January 31, 2011

Introduced by Sen. AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the executive law, in relation to global warming pollution control

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

1 Section 1. Legislative findings. Global warming poses a serious threat
2 to the economic well-being, public health, natural resources and envi-
3 ronment of New York. The potential adverse impacts of global warming
4 include the exacerbation of air quality problems, a reduction in the
5 quality and supply of water to the state, a rise in sea levels resulting
6 in the displacement of coastal businesses, residents and infrastructure,
7 damage to marine ecosystems and the natural environment, and an increase
8 in the incidences of infectious diseases, asthma, and other human
9 health-related problems. Global warming will have detrimental effects
10 on some of New York's largest industries, including agriculture, tour-
11 ism, skiing, recreational and commercial fishing and forestry.

12 The Intergovernmental Panel on Climate Change, awarded the 2007 Nobel
13 Peace Prize, determined that burning coal, oil and gas has led to higher
14 temperatures that are already impacting physical and biological systems.
15 The panel also projected temperatures would rise more rapidly if green-
16 house gases are not abated. The panel concluded that reducing emissions
17 80 percent below current emissions by mid-century would prevent the
18 worst impacts of global warming.

19 National and international actions are necessary to fully address the
20 issue of global warming. Action taken by New York and other states to
21 reduce emissions of greenhouse gases will have far-reaching effects by
22 encouraging the federal government, and other countries to act including
23 encouraging the development of sustainable, non-polluting technologies
24 such as solar, wind, geothermal and ocean currents. New York state
25 needs to continue its leadership in addressing global warming; building

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

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on the progress gained by creating the regional greenhouse gas initiative. The legislature recognizes the steps taken by the state in moving forward on the Renewable Portfolio Standard (RPS) to generate thirty percent of our energy needs from renewable sources by 2015, the energy efficiency portfolio standard to reduce electric usage by fifteen percent by 2015, and the work of the state climate action plan to reduce our greenhouse gas emissions.

S 2. Article 19 of the environmental conservation law is amended by adding a new title 13 to read as follows:

TITLE 13

GLOBAL WARMING POLLUTION CONTROL

SECTION 19-1301. SHORT TITLE.

19-1303. DEFINITIONS.

19-1305. GREENHOUSE GAS REPORTING.

19-1307. GREENHOUSE GAS LIMITS.

S 19-1301. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE "GLOBAL WARMING POLLUTION CONTROL ACT".

S 19-1303. DEFINITIONS.

WHEN USED IN THIS TITLE:

1. "GREENHOUSE GAS" MEANS CARBON DIOXIDE, METHANE, NITROUS OXIDE, HYDROFLUOROCARBONS, PERFLUOROCARBONS, SULFUR HEXAFLUORIDE, AND ANY OTHER GAS DETERMINED BY THE DEPARTMENT TO BE A SIGNIFICANT CONTRIBUTOR TO GLOBAL WARMING.

2. "GREENHOUSE GAS EMISSION SOURCE" MEANS ANY SOURCE OR CATEGORY OF SOURCES OF GREENHOUSE GAS EMISSIONS AND SHALL INCLUDE, BUT NOT BE LIMITED TO EMISSIONS:

(A) ASSOCIATED WITH FOSSIL FUELS USED IN THE STATE BY ENTITIES THAT ARE MANUFACTURERS AND DISTRIBUTORS OF FOSSIL FUELS;

(B) FROM ANY UTILITY GENERATING OR DELIVERING ELECTRICITY CONSUMED IN THE STATE, WHETHER THE ELECTRICITY IS GENERATED IN THE STATE, OR GENERATED OUTSIDE THE STATE AND IMPORTED INTO THE STATE, AND ACCOUNTING FOR TRANSMISSION AND DISTRIBUTION LINE LOSSES; AND

(C) FROM ANY ADDITIONAL ENTITIES THAT ARE SIGNIFICANT EMITTERS OF GREENHOUSE GASES, AS DETERMINED BY THE DEPARTMENT, AND APPROPRIATE TO ENABLE THE DEPARTMENT TO MONITOR COMPLIANCE WITH THE EMISSIONS LIMITS FOR GREENHOUSE GASES ESTABLISHED PURSUANT TO THIS TITLE.

S 19-1305. GREENHOUSE GAS REPORTING.

1. NO LATER THAN MAY FIRST, TWO THOUSAND TWELVE, THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS REQUIRING ANNUAL GREENHOUSE GAS EMISSIONS REPORTING FROM GREENHOUSE GAS EMISSION SOURCES. THE REGULATIONS SHALL:

(A) INCLUDE GREENHOUSE GAS EMISSIONS FROM ALL GREENHOUSE GAS EMISSION SOURCES EXPRESSED IN TONS OF CARBON DIOXIDE EQUIVALENTS;

(B) ENSURE RIGOROUS AND CONSISTENT ACCOUNTING OF EMISSIONS, AND PROVIDE REPORTING TOOLS AND FORMATS TO ENSURE COLLECTION OF NECESSARY DATA;

(C) ENSURE THAT EACH GREENHOUSE GAS EMISSION SOURCE MAINTAINS COMPREHENSIVE EMISSIONS RECORDS OF ANY GREENHOUSE GAS REPORTED FOR AT LEAST THREE YEARS; AND

(D) NOT REQUIRE THE REPORTING OF GREENHOUSE GAS EMISSIONS FROM AGRICULTURAL SOURCES THAT ARE EXEMPT FROM ENVIRONMENTAL PROTECTION AGENCY REPORTING REQUIREMENTS UNDER RULE 40 CFR 98.

2. THE DEPARTMENT SHALL:

(A) PERIODICALLY REVIEW AND UPDATE ITS EMISSION REPORTING REQUIREMENTS AT LEAST EVERY FIVE YEARS; AND

(B) MAKE REASONABLE EFFORTS TO MAKE ITS REPORTING REGULATIONS CONSIST-
ENT WITH INTERNATIONAL, FEDERAL AND OTHER STATES' GREENHOUSE GAS EMIS-
SION REPORTING PROGRAMS.

3. NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN, AND EVERY THREE
YEARS THEREAFTER, THE DEPARTMENT SHALL ISSUE A REPORT ON:

(A) THE ANNUAL GREENHOUSE GAS EMISSIONS FROM ALL SIGNIFICANT GREEN-
HOUSE GAS EMISSION SOURCES, INCLUDING THE RELATIVE CONTRIBUTION OF EACH
GREENHOUSE GAS EMISSION SOURCE TO STATEWIDE GREENHOUSE GAS EMISSIONS;
AND

(B) THE PROGRESS MADE BY THE STATE IN ACHIEVING THE REQUIREMENTS OF
SECTION 19-1307 OF THIS TITLE.

S 19-1307. GREENHOUSE GAS LIMITS.

1. NO LATER THAN JANUARY FIRST, TWO THOUSAND FOURTEEN, THE DEPARTMENT,
AFTER PUBLIC HEARINGS, SHALL PROMULGATE RULES AND REGULATIONS SETTING AN
ENFORCEABLE LIMIT ON THE AGGREGATE LEVEL OF GREENHOUSE GAS EMISSIONS
FROM ALL GREENHOUSE GAS EMISSION SOURCES AS ESTABLISHED BY THE NEW YORK
STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY'S NEW YORK STATE ECONO-
MY-WIDE GREENHOUSE GAS EMISSIONS INVENTORY WHICH SHALL ANNUALLY BE
UPDATED AND MADE PUBLIC, PROVIDED, HOWEVER, THE AGGREGATE LIMIT SHALL BE
EQUIVALENT TO THE AGGREGATE LEVEL OF GREENHOUSE GAS EMISSIONS FOR CALEN-
DAR YEAR NINETEEN HUNDRED NINETY.

2. (A) ON JANUARY FIRST, TWO THOUSAND TWENTY-ONE THE LIMIT ESTABLISHED
IN SUBDIVISION ONE OF THIS SECTION SHALL BE REDUCED BY TWENTY PERCENT.

(B) ON JANUARY FIRST, TWO THOUSAND THIRTY-ONE THE LIMIT ESTABLISHED IN
SUBDIVISION ONE OF THIS SECTION SHALL BE REDUCED BY FORTY PERCENT.

(C) NO LATER THAN JANUARY FIRST, TWO THOUSAND THIRTY-ONE, THE DEPART-
MENT, BASED ON FINDINGS FROM THE CLIMATE ACTION COUNCIL AND SUBJECT TO
PUBLIC HEARINGS, SHALL MAKE A RECOMMENDATION TO THE GOVERNOR AND THE
LEGISLATURE TO ENACT A LAW SETTING AN ENFORCEABLE LIMIT ON THE AGGREGATE
LEVEL OF GREENHOUSE GAS EMISSIONS FROM ALL GREENHOUSE GAS EMISSION
SOURCES TO BE ESTABLISHED ON JANUARY FIRST, TWO THOUSAND FORTY-ONE THAT
MAXIMIZES THE ABILITY OF THE STATE TO MEET THE STATEWIDE EMISSION LIMIT
STATED IN PARAGRAPH (D) OF THIS SUBDIVISION.

(D) ON JANUARY FIRST, TWO THOUSAND FIFTY-ONE, AND EACH YEAR THEREAFT-
ER, THE LIMIT SHALL REMAIN AT 80 PERCENT BELOW THE LIMIT ESTABLISHED IN
SUBDIVISION ONE OF THIS SECTION.

3. ANY RULE OR REGULATION THE COMMISSIONER ADOPTS TO COMPLY WITH THIS
SECTION AND TO IMPLEMENT THE CLIMATE ACTION PLAN CREATED BY THE CLIMATE
ACTION COUNCIL PURSUANT TO ARTICLE TWENTY-ONE-C OF THE EXECUTIVE LAW
MUST:

(A) BE ADOPTED IN AN OPEN PUBLIC PROCESS;

(B) ACHIEVE EMISSION REDUCTIONS FROM SOURCES IN A MANNER THAT IS EQUI-
TABLE, SEEKS TO MINIMIZE COSTS AND MAXIMIZE THE TOTAL BENEFITS TO THE
STATE, AND ENCOURAGE EARLY ACTION TO REDUCE GREENHOUSE GAS EMISSIONS;

(C) CONSIDER OVERALL SOCIETAL BENEFITS, INCLUDING REDUCTIONS IN OTHER
AIR POLLUTANTS, DIVERSIFICATION OF ENERGY SOURCE, AND OTHER BENEFITS TO
THE ECONOMY, ENVIRONMENT, AND PUBLIC HEALTH;

(D) CONSIDER THE SIGNIFICANCE OF THE CONTRIBUTION OF EACH SOURCE OR
CATEGORY OF SOURCES TO STATEWIDE EMISSIONS OF GREENHOUSE GASES;

(E) CONSIDER UTILIZING APPROACHES WHICH ARE DESIGNED TO AVOID UNDUE
DELETERIOUS ECONOMIC EFFECTS OR OVERLY BURDENSOME IMPACTS UPON PERSONS
DIRECTLY OR INDIRECTLY AFFECTED BY THE RULE OR REGULATION OR UPON THE
ECONOMY OR ADMINISTRATION OF STATE OR LOCAL GOVERNMENT AGENCIES;

(F) NOT PLACE OR INCREASE AN ADDITIONAL ENVIRONMENTAL OR HEALTH BURDEN
ON A COMMUNITY THAT HAS A SIGNIFICANT LEVEL OF REGULATED AIR CONTAMINANT

SOURCE EMISSIONS WITHIN THE COMMUNITY AS COMPARED WITH THE COUNTY AVERAGE;

(G) BE COMPATIBLE WITH OTHER EMISSIONS REDUCTIONS PROGRAMS; AND

(H) INCLUDE A PLAN TO THE EXTENT PRACTICABLE TO ADDRESS ADAPTATION TO CLIMATE CHANGE INCLUDING BUT NOT LIMITED TO TERRESTRIAL AND AQUATIC HABITATS, PLANTS AND ANIMAL SPECIES, CONNECTIVITY OF HABITATS, AND ECOSYSTEM SERVICES PROVIDED BY NATURAL RESOURCES INCLUDING BUT NOT LIMITED TO FLOOD CONTROL AND DRINKING WATER SUPPLY;

(I) TAKE INTO ACCOUNT ACTIONS TAKEN BY ENTITIES THAT HAVE VOLUNTARILY AND NOT UNDER REQUIREMENTS OF OTHER STATE GREENHOUSE GAS REDUCTION PROGRAMS, REDUCED THEIR GREENHOUSE GAS EMISSIONS PRIOR TO THE IMPLEMENTATION OF THIS TITLE RECEIVE APPROPRIATE CREDIT FOR EARLY VOLUNTARY REDUCTIONS.

S 3. The executive law is amended by adding a new article 21-C to read as follows:

ARTICLE 21-C

CLIMATE ACTION COUNCIL

SECTION 615. LEGISLATIVE INTENT.

616. CLIMATE ACTION COUNCIL; CREATION; MEMBERSHIP.

617. GENERAL FUNCTIONS; POWERS AND DUTIES.

S 615. LEGISLATIVE INTENT. IT SHALL BE THE GOAL OF THE STATE OF NEW YORK TO REDUCE CURRENT GREENHOUSE GAS EMISSIONS FROM ALL SOURCES WITHIN THE STATE EIGHTY PERCENT BELOW LEVELS EMITTED IN THE YEAR NINETEEN HUNDRED NINETY BY THE YEAR TWO THOUSAND FIFTY-ONE. TO THAT END, THE CLIMATE ACTION COUNCIL IS NEEDED TO FORM AND COORDINATE A PLAN TO REDUCE SUCH EMISSIONS. THE CLIMATE ACTION COUNCIL AND ITS PLAN FOR REDUCING SUCH EMISSIONS IS NOT INTENDED TO BE STATIC, BUT RATHER A DYNAMIC AND CONTINUALLY EVOLVING STRATEGY TO ASSESS AND ACHIEVE THE GOAL OF SUSTAINED REDUCTIONS OF GREENHOUSE GAS EMISSIONS.

S 616. CLIMATE ACTION COUNCIL; CREATION; MEMBERSHIP. 1. THERE IS HEREBY CREATED A CLIMATE ACTION COUNCIL ("COUNCIL") CONSISTING OF THE COMMISSIONERS OF AGRICULTURE AND MARKETS, ECONOMIC DEVELOPMENT, ENVIRONMENTAL CONSERVATION, HOUSING AND COMMUNITY RENEWAL, AND TRANSPORTATION; THE CHAIRS OF THE PUBLIC SERVICE COMMISSION AND THE METROPOLITAN TRANSPORTATION AUTHORITY; THE PRESIDENTS OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, LONG ISLAND POWER AUTHORITY, NEW YORK POWER AUTHORITY AND DORMITORY AUTHORITY OF THE STATE OF NEW YORK; THE SECRETARY OF STATE; THE DIRECTOR OF THE BUDGET; THE DIRECTOR OF STATE OPERATIONS; AND THE COUNSEL TO THE GOVERNOR; PLUS SIX ADDITIONAL MEMBERS WITH INDIVIDUAL EXPERTISE IN AGRICULTURE, ECONOMIC DEVELOPMENT, ENVIRONMENTAL CONSERVATION, HOUSING, TRANSPORTATION, AND ENERGY ISSUES, WHO SHALL BE APPOINTED AS FOLLOWS; TWO MEMBERS BY THE TEMPORARY PRESIDENT OF THE SENATE, TWO MEMBERS BY THE SPEAKER OF THE ASSEMBLY, ONE MEMBER BY THE MINORITY LEADER OF THE SENATE AND ONE MEMBER BY THE MINORITY LEADER OF THE ASSEMBLY. ALL SUCH APPOINTMENTS SHALL BE MADE BY FEBRUARY FIRST, TWO THOUSAND TWELVE. THE DIRECTOR OF STATE OPERATIONS SHALL SERVE AS THE CHAIR OF THE COUNCIL.

2. MEMBERS OF THE COUNCIL MAY DESIGNATE AN EXECUTIVE STAFF MEMBER TO REPRESENT THEM AND PARTICIPATE ON THE COUNCIL ON THEIR BEHALF, SUBJECT TO THE APPROVAL OF THE CHAIR. A MAJORITY OF THE MEMBERS OF THE COUNCIL SHALL CONSTITUTE A QUORUM, AND ALL ACTIONS AND RECOMMENDATIONS OF THE COUNCIL SHALL REQUIRE APPROVAL OF A MAJORITY OF THE TOTAL MEMBERS OR THEIR REPRESENTATIVES. THE APPOINTED MEMBERS OF THE COUNCIL SHALL SERVE FOUR YEAR TERMS. VACANCIES TO THE COUNCIL SHALL BE FILLED IN THE SAME MANNER AS THE MEMBER WHOSE VACANCY IS BEING FILLED WAS APPOINTED.

1 S 617. GENERAL FUNCTIONS; POWERS AND DUTIES. 1. THE COUNCIL SHALL
2 PREPARE A DRAFT CLIMATE ACTION PLAN ON OR BEFORE SEPTEMBER THIRTIETH,
3 TWO THOUSAND ELEVEN. THE COUNCIL SHALL HOLD REGIONAL PUBLIC COMMENT
4 HEARINGS ON THE DRAFT PLAN, AND SHALL ALLOW AT LEAST SIXTY DAYS FOR THE
5 SUBMISSION OF PUBLIC COMMENT. ON OR BEFORE SEPTEMBER THIRTIETH, TWO
6 THOUSAND SIXTEEN AND EVERY FIVE YEARS THEREAFTER, THE COUNCIL SHALL
7 UPDATE THE FINAL CLIMATE ACTION PLAN, WHICH ADDRESSES EACH ITEM IDENTI-
8 FIED IN SUBDIVISION TWO OF THIS SECTION. THE CLIMATE ACTION PLAN WHICH
9 SHALL BE REVIEWED AND, IF WARRANTED, ADJUSTED ANNUALLY BY THE COUNCIL,
10 SHALL INCLUDE A DISCUSSION AND EVALUATION OF THE ABILITY OF THE STATE
11 AND PRIVATE MARKETS TO IMPLEMENT THE POLICIES, PROGRAMS, AND OTHER
12 RECOMMENDATIONS AS FOUND IN THE CLIMATE ACTION PLAN, AND RECOMMENDATIONS
13 FOR NEW OR AMENDED POLICIES AS NEEDED TO CONTINUE SUCCESSFUL MOVEMENT
14 TOWARDS IMPLEMENTATION AND REALIZATION OF SUCH POLICIES AND PROGRAMS.

15 2. IN ASPIRING TO MEET THE GREENHOUSE GAS EMISSION REDUCTION GOAL, THE
16 COUNCIL, IN PREPARING THE CLIMATE ACTION PLAN, SHALL:

17 A. INVENTORY GREENHOUSE GAS EMISSIONS WITHIN THE STATE, INCLUDING THE
18 RELATIVE CONTRIBUTION OF EACH TYPE OF EMISSION SOURCE;

19 B. IDENTIFY AND ASSESS SHORT-TERM AND LONG-TERM ACTIONS TO REDUCE
20 GREENHOUSE GAS EMISSIONS AND ADAPT TO CLIMATE CHANGE ACROSS ALL ECONOMIC
21 SECTORS, INCLUDING INDUSTRY, TRANSPORTATION, AGRICULTURE, BUILDING
22 CONSTRUCTION AND ENERGY PRODUCTION;

23 C. IDENTIFY AND ANALYZE THE ANTICIPATED REDUCTIONS, AND THE ECONOMIC
24 IMPLICATIONS THEREOF, AS A RESULT OF EACH ACTION;

25 D. IDENTIFY THE ANTICIPATED LIFE-CYCLE IMPLICATIONS, CONSEQUENCES,
26 BENEFITS AND COSTS OF IMPLEMENTING EACH ACTION, INCLUDING IMPLICATIONS,
27 CONSEQUENCES, BENEFITS AND COSTS TO THE STATE, LOCAL GOVERNMENTS, BUSI-
28 NESS AND RESIDENTS FROM IMPLEMENTATION OF EACH OPTION AND ACTION;

29 E. IDENTIFY WHETHER SUCH ACTIONS SUPPORT NEW YORK'S GOALS FOR A CLEAN
30 ENERGY ECONOMY, INCLUDING SPECIFIC SHORT-TERM AND LONG-TERM ECONOMIC
31 DEVELOPMENT OPPORTUNITIES AND DISADVANTAGES RELATED TO GREENHOUSE GAS
32 EMISSION REDUCTIONS AND THE DEVELOPMENT AND DEPLOYMENT OF NEW AND EMERG-
33 ING TECHNOLOGIES AND ENERGY SOURCES INCLUDING IDENTIFYING THE AVAILABIL-
34 ITY AND COST EFFECTIVENESS OF BEST AVAILABLE CONTROL TECHNOLOGIES;

35 F. COORDINATE ITS ACTIVITIES WITH THE STATE ENERGY PLANNING PROCESS OF
36 THE STATE ENERGY PLANNING BOARD;

37 G. IDENTIFY EXISTING LEGAL, REGULATORY AND POLICY CONSTRAINTS TO
38 REDUCING GREENHOUSE GAS EMISSIONS, ASSESSING THE IMPACTS OF CLIMATE
39 CHANGE, AND ECOSYSTEM BASED ADAPTION TO CLIMATE CHANGE, AND RECOMMEND
40 MEASURES NEEDED TO ADDRESS ANY SUCH CONSTRAINTS. RECOMMENDATIONS SHOULD
41 CONSIDER SUCH FACTORS INCLUDING BUT NOT LIMITED TO FEASIBILITY, SOCIOE-
42 CONOMIC AND NATURAL RESOURCE VALUES; PUBLIC HEALTH IMPACTS; COMMUNITY
43 CHARACTER AND THE IMPACT RESULTING FROM INACTION;

44 H. EVALUATING AND ASSESSING ANY ADAPTIVE MEASURES IDENTIFIED IN TERMS
45 OF FEASIBILITY, ECONOMIC AND PUBLIC HEALTH IMPACTS AND EFFECTIVENESS.
46 FOR THE PURPOSES OF THIS SECTION, THE TERM "ADAPTIVE MEASURES" REFERS TO
47 ACTIONS THAT MAY BE TAKEN TO ADDRESS THE ANTICIPATED CONSEQUENCES OF
48 CLIMATE CHANGE;

49 I. IDENTIFYING AND EVALUATING CURRENT EFFORTS UNDERWAY IN NEW YORK
50 STATE TO EDUCATE THE PUBLIC, AS WELL AS SPECIFIC SECTORS INCLUDING AGRI-
51 CULTURE, HEALTH, TRANSPORTATION, RECREATION, INSURANCE AND INDUSTRIAL
52 AND COMMERCIAL SECTORS ABOUT PROJECTED IMPACTS OF CLIMATE CHANGE;

53 J. ESTABLISH ESTIMATED TIMELINES FOR CONSIDERING AND IMPLEMENTING
54 ACTIONS; AND

1 K. UNDERTAKE SUCH ACTIONS, AND COMPILE SUCH ADDITIONAL MATERIAL, AS
2 DEEMED APPROPRIATE BY THE COUNCIL IN CARRYING OUT ITS RESPONSIBILITIES
3 UNDER THIS SECTION.

4 3. THE ENTITIES REPRESENTED ON THE COUNCIL ARE AUTHORIZED TO PROVIDE
5 THE PRIMARY STAFF AND OTHER RESOURCES THAT ARE NECESSARY FOR THE COUNCIL
6 TO COMPLY WITH THIS SECTION. IN ADDITION, EVERY OTHER AGENCY, DEPART-
7 MENT, OFFICE, DIVISION AND PUBLIC AUTHORITY OF THIS STATE SHALL COOPER-
8 ATE WITH THE COUNCIL AND FURNISH SUCH INFORMATION AND ASSISTANCE AS THE
9 COUNCIL DETERMINES IS REASONABLY NECESSARY FOR IT TO COMPLY WITH THIS
10 SECTION.

11 4. THE COUNCIL MAY CONVENE ADVISORY PANELS TO ASSIST OR ADVISE IT IN
12 AREAS REQUIRING SPECIAL EXPERTISE OR KNOWLEDGE.

13 S 4. This act shall take effect immediately.