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I N   S E N A T E

May 15, 2014

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Introduced by Sen. PARKER -- 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, in relation to establishing a goal to reduce greenhouse gas emissions eighty percent by 2050 and preparing a climate action plan

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

1     Section 1. Legislative intent and findings. Governor David A. Paterson  
2     issued Executive Order No. 24 on August 6, 2009 entitled "Establishing a  
3     Goal to Reduce Greenhouse Gas Emissions Eighty Percent by the Year 2050  
4     and Preparing a Climate Action Plan." This Executive Order was continued  
5     by Governor Andrew M. Cuomo. The purpose of this act is to codify Execu-  
6     tive Order No. 24 that was issued August 6, 2009.

7     An emerging scientific consensus recognizes that the increased concen-  
8     tration of carbon dioxide in the atmosphere, along with other heat-trap-  
9     ping greenhouse gases, resulting from the combustion of fossil fuels and  
10    other human sources, warms the planet and changes its climate. Many  
11    scientists warn that unmitigated climate change is expected to result in  
12    significant adverse impact to our communities, economy and environment.  
13    According to the scientific assessments of the United Nations Intergov-  
14    ernmental Panel on Climate Change, and other work, substantial  
15    reductions in greenhouse gas emissions by mid-century have the potential  
16    to minimize the most severe climate change impacts currently predicted.

17    The reduction of global warming and limitation of climate change  
18    effects requires a collaborative, international effort to reduce the  
19    emission of greenhouses gases around the globe. New York and other  
20    states should work collaboratively with the federal government to devel-  
21    op and implement plans and policies that will achieve reductions in  
22    greenhouse gas emissions in the United States. Expanding and advancing  
23    energy efficiency and renewable energy projects will reduce greenhouse  
24    gas emissions and create new jobs. New York State has demonstrated  
25    leadership in this effort by undertaking various actions. It is appro-  
26    priate to build upon the important environmental benefits obtained  
27    through these actions and to establish a State-wide goal for the

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

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1 reduction of greenhouse gases, and to develop a plan that enables New  
2 York to participate fully in the national and international efforts to  
3 combat climate change.

4 S 2. Article 19 of the environmental conservation law is amended by  
5 adding a new title 12 to read as follows:

6 TITLE 12

7 CLIMATE ACTION COUNCIL

8 SECTION 19-1201. CLIMATE ACTION COUNCIL.

9 S 19-1201. CLIMATE ACTION COUNCIL.

10 1. IT SHALL BE A GOAL OF THE STATE OF NEW YORK TO REDUCE CURRENT  
11 GREENHOUSE GAS EMISSIONS FROM ALL SOURCES WITHIN THE STATE EIGHTY  
12 PERCENT BELOW LEVELS EMITTED IN THE YEAR NINETEEN HUNDRED NINETY BY THE  
13 YEAR TWO THOUSAND FIFTY.

14 2. THERE IS HEREBY CREATED A CLIMATE ACTION COUNCIL ("COUNCIL")  
15 CONSISTING OF THE COMMISSIONERS OF AGRICULTURE AND MARKETS, ECONOMIC  
16 DEVELOPMENT, ENVIRONMENTAL CONSERVATION, HOUSING AND COMMUNITY RENEWAL,  
17 AND TRANSPORTATION; THE CHAIRS OF THE PUBLIC SERVICE COMMISSION AND THE  
18 METROPOLITAN TRANSPORTATION AUTHORITY; THE PRESIDENTS OF THE NEW YORK  
19 STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, LONG ISLAND POWER  
20 AUTHORITY, NEW YORK POWER AUTHORITY AND DORMITORY AUTHORITY OF THE STATE  
21 OF NEW YORK; THE SECRETARY OF STATE; THE DIRECTOR OF THE BUDGET; THE  
22 DIRECTOR OF STATE OPERATIONS; AND THE COUNSEL TO THE GOVERNOR. THE  
23 DIRECTOR OF STATE OPERATIONS SHALL SERVE AS THE CHAIR OF THE COUNCIL.

24 3. THE COUNCIL SHALL PREPARE A DRAFT CLIMATE ACTION PLAN ON OR BEFORE  
25 SEPTEMBER THIRTIETH, TWO THOUSAND FIFTEEN. THE COUNCIL SHALL HOLD  
26 REGIONAL PUBLIC COMMENT HEARINGS ON THE DRAFT PLAN, AND SHALL ALLOW AT  
27 LEAST SIXTY DAYS FOR THE SUBMISSION OF PUBLIC COMMENT. THEREAFTER, THE  
28 COUNCIL SHALL PREPARE A FINAL CLIMATE ACTION PLAN WHICH SHALL BE  
29 REVIEWED AND, IF WARRANTED, ADJUSTED ANNUALLY BY THE COUNCIL.

30 4. IN ASPIRING TO MEET THE GREENHOUSE GAS EMISSION REDUCTION GOAL, THE  
31 COUNCIL, IN PREPARING THE CLIMATE ACTION PLAN, SHALL:

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

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

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

40 D. IDENTIFY THE ANTICIPATED LIFE-CYCLE IMPLICATIONS, CONSEQUENCES,  
41 BENEFITS AND COSTS OF IMPLEMENTING EACH ACTION, INCLUDING IMPLICATIONS,  
42 CONSEQUENCES, BENEFITS AND COSTS TO THE STATE, LOCAL GOVERNMENTS, BUSI-  
43 NESSES AND RESIDENTS FROM IMPLEMENTATION OF EACH OPTION AND ACTION;

44 E. IDENTIFY WHETHER SUCH ACTIONS SUPPORT NEW YORK'S GOALS FOR CLEAN  
45 ENERGY IN THE NEW ECONOMY, INCLUDING SPECIFIC SHORT-TERM AND LONG-TERM  
46 ECONOMIC DEVELOPMENT OPPORTUNITIES AND DISADVANTAGES RELATED TO GREEN-  
47 HOUSE GAS EMISSION REDUCTIONS AND THE DEVELOPMENT AND DEPLOYMENT OF NEW  
48 AND EMERGING TECHNOLOGIES AND ENERGY SOURCES;

49 F. COORDINATE ITS ACTIVITIES WITH THE STATE ENERGY PLANNING PROCESS OF  
50 THE STATE ENERGY PLANNING BOARD;

51 G. IDENTIFY EXISTING LEGAL, REGULATORY AND POLICY CONSTRAINTS TO  
52 REDUCING GREENHOUSE GAS EMISSIONS, ASSESSING THE IMPACTS OF CLIMATE  
53 CHANGE, AND ADAPTING TO CLIMATE CHANGE, AND RECOMMEND WAYS TO ADDRESS  
54 ANY SUCH CONSTRAINTS;

1 H. ESTABLISH ESTIMATED TIMELINES FOR CONSIDERING AND IMPLEMENTING  
2 ACTIONS; AND  
3 I. UNDERTAKE SUCH ACTIONS, AND COMPILE SUCH ADDITIONAL MATERIAL, AS  
4 DEEMED APPROPRIATE BY THE COUNCIL IN CARRYING OUT ITS RESPONSIBILITIES  
5 UNDER THIS SECTION.  
6 5. MEMBERS OF THE COUNCIL MAY DESIGNATE AN EXECUTIVE STAFF MEMBER TO  
7 REPRESENT THEM AND PARTICIPATE ON THE COUNCIL ON THEIR BEHALF, SUBJECT  
8 TO THE APPROVAL OF THE CHAIR. A MAJORITY OF THE MEMBERS OF THE COUNCIL  
9 SHALL CONSTITUTE A QUORUM, AND ALL ACTIONS AND RECOMMENDATIONS OF THE  
10 COUNCIL SHALL REQUIRE APPROVAL OF A MAJORITY OF THE TOTAL MEMBERS OR  
11 THEIR REPRESENTATIVES.  
12 6. THE ENTITIES REPRESENTED ON THE COUNCIL ARE AUTHORIZED TO PROVIDE  
13 THE PRIMARY STAFF AND OTHER RESOURCES THAT ARE NECESSARY FOR THE COUNCIL  
14 TO COMPLY WITH THIS SECTION. IN ADDITION, EVERY OTHER AGENCY, DEPART-  
15 MENT, OFFICE, DIVISION AND PUBLIC AUTHORITY OF THIS STATE SHALL COOPER-  
16 ATE WITH THE COUNCIL AND FURNISH SUCH INFORMATION AND ASSISTANCE AS THE  
17 COUNCIL DETERMINES IS REASONABLY NECESSARY FOR IT TO COMPLY WITH THIS  
18 SECTION.  
19 7. THE COUNCIL MAY CONVENE ADVISORY PANELS TO ASSIST OR ADVISE IT IN  
20 AREAS REQUIRING SPECIAL EXPERTISE OR KNOWLEDGE.  
21 8. THE CLIMATE ACTION PLAN IS NOT INTENDED TO BE STATIC, BUT RATHER A  
22 DYNAMIC AND CONTINUALLY EVOLVING STRATEGY TO ASSESS AND ACHIEVE THE GOAL  
23 OF SUSTAINED REDUCTIONS OF GREENHOUSE GAS EMISSIONS.  
24 S 3. This act shall take effect immediately.