

2891--A

2015-2016 Regular Sessions

I N   S E N A T E

January 30, 2015

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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 -- recommitted to the Committee on Environmental Conservation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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-

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

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1 op and implement plans and policies that will achieve reductions in  
2 greenhouse gas emissions in the United States. Expanding and advancing  
3 energy efficiency and renewable energy projects will reduce greenhouse  
4 gas emissions and create new jobs. New York State has demonstrated  
5 leadership in this effort by undertaking various actions. It is appro-  
6 priate to build upon the important environmental benefits obtained  
7 through these actions and to establish a State-wide goal for the  
8 reduction of greenhouse gases, and to develop a plan that enables New  
9 York to participate fully in the national and international efforts to  
10 combat climate change.

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

13 TITLE 13

14 CLIMATE ACTION COUNCIL

15 SECTION 19-1301. CLIMATE ACTION COUNCIL.

16 S 19-1301. CLIMATE ACTION COUNCIL.

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

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

31 3. THE COUNCIL SHALL PREPARE A DRAFT CLIMATE ACTION PLAN ON OR BEFORE  
32 SEPTEMBER THIRTIETH, TWO THOUSAND SEVENTEEN. THE COUNCIL SHALL HOLD  
33 REGIONAL PUBLIC COMMENT HEARINGS ON THE DRAFT PLAN, AND SHALL ALLOW AT  
34 LEAST SIXTY DAYS FOR THE SUBMISSION OF PUBLIC COMMENT. THEREAFTER, THE  
35 COUNCIL SHALL PREPARE A FINAL CLIMATE ACTION PLAN WHICH SHALL BE  
36 REVIEWED AND, IF WARRANTED, ADJUSTED ANNUALLY BY THE COUNCIL.

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

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

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

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

47 D. IDENTIFY THE ANTICIPATED LIFE-CYCLE IMPLICATIONS, CONSEQUENCES,  
48 BENEFITS AND COSTS OF IMPLEMENTING EACH ACTION, INCLUDING IMPLICATIONS,  
49 CONSEQUENCES, BENEFITS AND COSTS TO THE STATE, LOCAL GOVERNMENTS, BUSI-  
50 NESSES AND RESIDENTS FROM IMPLEMENTATION OF EACH OPTION AND ACTION;

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

1 F. COORDINATE ITS ACTIVITIES WITH THE STATE ENERGY PLANNING PROCESS OF  
2 THE STATE ENERGY PLANNING BOARD;

3 G. IDENTIFY EXISTING LEGAL, REGULATORY AND POLICY CONSTRAINTS TO  
4 REDUCING GREENHOUSE GAS EMISSIONS, ASSESSING THE IMPACTS OF CLIMATE  
5 CHANGE, AND ADAPTING TO CLIMATE CHANGE, AND RECOMMEND WAYS TO ADDRESS  
6 ANY SUCH CONSTRAINTS;

7 H. ESTABLISH ESTIMATED TIMELINES FOR CONSIDERING AND IMPLEMENTING  
8 ACTIONS; AND

9 I. UNDERTAKE SUCH ACTIONS, AND COMPILE SUCH ADDITIONAL MATERIAL, AS  
10 DEEMED APPROPRIATE BY THE COUNCIL IN CARRYING OUT ITS RESPONSIBILITIES  
11 UNDER THIS SECTION.

12 5. MEMBERS OF THE COUNCIL MAY DESIGNATE AN EXECUTIVE STAFF MEMBER TO  
13 REPRESENT THEM AND PARTICIPATE ON THE COUNCIL ON THEIR BEHALF, SUBJECT  
14 TO THE APPROVAL OF THE CHAIR. A MAJORITY OF THE MEMBERS OF THE COUNCIL  
15 SHALL CONSTITUTE A QUORUM, AND ALL ACTIONS AND RECOMMENDATIONS OF THE  
16 COUNCIL SHALL REQUIRE APPROVAL OF A MAJORITY OF THE TOTAL MEMBERS OR  
17 THEIR REPRESENTATIVES.

18 6. THE ENTITIES REPRESENTED ON THE COUNCIL ARE AUTHORIZED TO PROVIDE  
19 THE PRIMARY STAFF AND OTHER RESOURCES THAT ARE NECESSARY FOR THE COUNCIL  
20 TO COMPLY WITH THIS SECTION. IN ADDITION, EVERY OTHER AGENCY, DEPART-  
21 MENT, OFFICE, DIVISION AND PUBLIC AUTHORITY OF THIS STATE SHALL COOPER-  
22 ATE WITH THE COUNCIL AND FURNISH SUCH INFORMATION AND ASSISTANCE AS THE  
23 COUNCIL DETERMINES IS REASONABLY NECESSARY FOR IT TO COMPLY WITH THIS  
24 SECTION.

25 7. THE COUNCIL MAY CONVENE ADVISORY PANELS TO ASSIST OR ADVISE IT IN  
26 AREAS REQUIRING SPECIAL EXPERTISE OR KNOWLEDGE.

27 8. THE CLIMATE ACTION PLAN IS NOT INTENDED TO BE STATIC, BUT RATHER A  
28 DYNAMIC AND CONTINUALLY EVOLVING STRATEGY TO ASSESS AND ACHIEVE THE GOAL  
29 OF SUSTAINED REDUCTIONS OF GREENHOUSE GAS EMISSIONS.

30 S 3. This act shall take effect immediately.