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

2891--A

2015-2016 Regular Sessions

I N S E N A T E

January 30, 2015

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:

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

An emerging scientific consensus recognizes that the increased concentration of carbon dioxide in the atmosphere, along with other heat-trapping greenhouse gases, resulting from the combustion of fossil fuels and other human sources, warms the planet and changes its climate. Many scientists warn that unmitigated climate change is expected to result in significant adverse impact to our communities, economy and environment. According to the scientific assessments of the United Nations Intergovernmental Panel on Climate Change, and other work, substantial reductions in greenhouse gas emissions by mid-century have the potential to minimize the most severe climate change impacts currently predicted.

The reduction of global warming and limitation of climate change effects requires a collaborative, international effort to reduce the emission of greenhouses gases around the globe. New York and other 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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op and implement plans and policies that will achieve reductions in greenhouse gas emissions in the United States. Expanding and advancing energy efficiency and renewable energy projects will reduce greenhouse gas emissions and create new jobs. New York State has demonstrated leadership in this effort by undertaking various actions. It is appropriate to build upon the important environmental benefits obtained through these actions and to establish a State-wide goal for the reduction of greenhouse gases, and to develop a plan that enables New York to participate fully in the national and international efforts to combat climate change.

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

TITLE 13
CLIMATE ACTION COUNCIL

SECTION 19-1301. CLIMATE ACTION COUNCIL.

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1. IT SHALL BE A 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.

2. 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. THE DIRECTOR OF STATE OPERATIONS SHALL SERVE AS THE CHAIR OF THE COUNCIL.

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

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

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

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

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

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

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

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

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

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

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

5. 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.

6. THE ENTITIES REPRESENTED ON THE COUNCIL ARE AUTHORIZED TO PROVIDE THE PRIMARY STAFF AND OTHER RESOURCES THAT ARE NECESSARY FOR THE COUNCIL TO COMPLY WITH THIS SECTION. IN ADDITION, EVERY OTHER AGENCY, DEPARTMENT, OFFICE, DIVISION AND PUBLIC AUTHORITY OF THIS STATE SHALL COOPERATE WITH THE COUNCIL AND FURNISH SUCH INFORMATION AND ASSISTANCE AS THE COUNCIL DETERMINES IS REASONABLY NECESSARY FOR IT TO COMPLY WITH THIS SECTION.

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

8. THE CLIMATE ACTION PLAN 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 3. This act shall take effect immediately.