STATE OF NEW YORK

8675

2017-2018 Regular Sessions

IN ASSEMBLY

September 25, 2017

Introduced by M. of A. CAHILL, ENGLEBRIGHT -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to requiring an annual report of all fossil fuel related tax expenditures; and to provide for the expiration of fossil fuel related tax expenditures

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 that the use of fossil fuels result in greenhouse gas emissions. The state has a goal of reducing greenhouse gas emissions by eighty percent below 1990 levels by 2050 to combat climate change. Therefore, the state has an interest in reducing tax expenditures that support fossil fuels. By creating a process through which the legislature would review existing fossil fuel tax expenditures on a regular basis, the state can better ensure that they are in the public interest.

§ 2. Subdivision 1 of section 181 of the executive law is amended by adding two new paragraphs (c) and (d) to read as follows:

(c) "Fossil fuel" shall mean coal, kerosene, oil, other petroleum products, and fuel gases including, but not limited to methane, natural gas, liquified natural gas and manufactured fuel gases.

(d) "Fossil fuel related tax expenditures" shall mean tax expenditures that directly support, encourage or have a significant relationship to the production, transmission, distribution, transportation, storage, sale, purchase, delivery, consumption or use of fossil fuels.

§ 3. Paragraphs (f) and (g) of subdivision 2 of section 181 of the executive law, as added by chapter 23 of the laws of 1990, are amended and two new paragraphs (h) and (i) are added to read as follows:

(f) comment, if any, on the effectiveness and efficiency of other tax expenditures; [~~and~~]

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

LBD11175-04-7

(g) general cautionary and advisory notes concerning limitations of data, estimation procedures, sampling errors and imputed values, prominently displayed[.]; **(h) an enumeration of all fossil fuel related tax expenditures, including the annual cost of such expenditures and their expiration dates; and**

(i) any recommendations of the governor regarding continuing, modifying or repealing such fossil fuel related tax expenditures, and such other information regarding such tax expenditures as he or she may feel useful and appropriate, in consultation with the state energy planning board.

§ 4. Notwithstanding any other provisions of law, there shall be a 3 year expiration for all fossil fuel related tax expenditures, as defined in paragraph (d) of subdivision 1 of section 181 of the executive law, with such 3 year period commencing on the effective date of this act; provided, however, that if such an expenditure would otherwise expire or be deemed repealed pursuant to law upon an earlier date, then such expenditure shall expire or be deemed repealed upon such earlier date. Any new fossil fuel related tax expenditure enacted by the legislature after the effective date of this act shall be subject to a 3 year expiration commencing on the effective date of the act which enacted such expenditure.

§ 5. This act shall take effect immediately.