

STATE OF NEW YORK

5334--A

2019-2020 Regular Sessions

IN ASSEMBLY

February 8, 2019

Introduced by M. of A. ORTIZ, SIMON, CARROLL, D'URSO, REYES, GOTTFRIED, HYNDMAN -- read once and referred to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a Green New Deal for New York task force; and providing for the repeal of such provisions upon expiration thereof

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings and intent. 1. The legislature recog-
2 nizes the duty of the New York state government to create a Green New
3 Deal for New York. An October 2018 report entitled "Special Report on
4 Global Warming of 1.5°C" by the Intergovernmental Panel on Climate
5 Change and the November 2018 Fourth National Climate Assessment report
6 found that:
7 (a) human activity is the dominant cause of observed climate change
8 over the past century;
9 (b) a changing climate is causing sea levels to rise and an increase
10 in wildfires, severe storms, droughts, and other extreme weather events
11 that threaten human life, healthy communities, and critical infrastruc-
12 ture;
13 (c) global warming at or above 2 degrees Celsius beyond preindustrial-
14 ized levels will cause:
15 (i) mass migration from the regions most affected by climate change;
16 (ii) more than \$500,000,000,000 in lost annual economic output in the
17 United States by the year 2100;
18 (iii) wildfires that, by 2050, will annually burn at least twice as
19 much forest area in the western United States than was typically burned
20 by wildfires in the years preceding 2019;
21 (iv) a loss of more than 99 percent of all coral reefs on earth;
22 (v) more than 350,000,000 more people to be exposed globally to deadly
23 heat stress by 2050; and

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

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1 (vi) a risk of damage to \$1,000,000,000,000 of public infrastructure
2 and coastal real estate in the United States; and

3 (d) global temperatures must be kept below 1.5 degrees Celsius above
4 preindustrialized levels to avoid the most severe impacts of a changing
5 climate, which will require:

6 (i) global reductions in greenhouse gas emissions from human sources
7 of 40 to 60 percent from 2010 levels by 2030; and

8 (ii) net-zero global emissions by 2050.

9 2. As the United States, including New York, has historically been
10 responsible for a disproportionate amount of greenhouse gas emissions,
11 having emitted 20 percent of global greenhouse gas emissions through
12 2014, and has a high technological capacity, the United States and New
13 York must take a leading role in reducing emissions through economic
14 transformation.

15 3. The United States is currently experiencing several related crises,
16 with:

17 (a) life expectancy declining while basic needs, such as clean air,
18 clean water, healthy food, and adequate health care, housing, transpor-
19 tation, and education, are inaccessible to a significant portion of the
20 United States population;

21 (b) a 4-decade trend of wage stagnation, deindustrialization, and
22 antilabor policies that has led to:

23 (i) hourly wages overall stagnating since the 1970's despite increased
24 worker productivity;

25 (ii) the third-worst level of socioeconomic mobility in the developed
26 world before the Great Recession;

27 (iii) the erosion of the earning and bargaining power of workers in
28 the United States; and

29 (iv) inadequate resources for public sector workers to confront the
30 challenges of climate change at local, state, and federal levels; and

31 (c) the greatest income inequality since the 1920's, with:

32 (i) the top 1 percent of earners accruing 91 percent of gains in the
33 first few years of economic recovery after the Great Recession;

34 (ii) a large racial wealth divide amounting to a difference of 20
35 times more wealth between the average white family and the average black
36 family; and

37 (iii) a gender earnings gap that results in women earning approximate-
38 ly 80 percent as much as men, at the median.

39 4. Climate change, pollution, and environmental destruction have
40 exacerbated systemic racial, regional, social, environmental, and
41 economic injustices (hereinafter referred to as "systemic injustices")
42 by disproportionately affecting indigenous peoples, communities of
43 color, migrant communities, deindustrialized communities, depopulated
44 rural communities, the poor, low-income workers, women, the elderly, the
45 unhoused, people with disabilities, and youth (hereinafter referred to
46 as "frontline and vulnerable communities").

47 5. Climate change constitutes a direct threat to the national security
48 of the United States:

49 (a) by impacting the economic, environmental, and social stability of
50 countries and communities around the world; and

51 (b) by acting as a threat multiplier.

52 6. The federal government-led mobilizations during World War II and
53 the New Deal created the greatest middle class that the United States
54 has ever seen, but many members of frontline and vulnerable communities
55 were excluded from many of the economic and societal benefits of those
56 mobilizations.

1 7. The New York state government recognizes that a new national,
2 social, industrial, and economic mobilization on a scale not seen since
3 World War II and the New Deal era is a historic opportunity:

- 4 (a) to create millions of good, high-wage jobs in New York state;
- 5 (b) to provide unprecedented levels of prosperity and economic securi-
6 ty for all people of New York state; and
- 7 (c) to counteract systemic injustices.

8 8. Now, therefore, be it resolved that it is the sense of the New York
9 state legislature that:

10 (a) it is the duty of the New York state government to create a Green
11 New Deal:

12 (i) to achieve net-zero greenhouse gas emissions through a fair and
13 just transition for all communities and workers;

14 (ii) to create millions of good, high-wage jobs and ensure prosperity
15 and economic security for all people of New York state;

16 (iii) to invest in the infrastructure and industry of New York state
17 to sustainably meet the challenges of the twenty-first century;

18 (iv) to secure for all people of New York state for generations to
19 come:

20 (A) clean air and water;

21 (B) climate and community resiliency;

22 (C) healthy food;

23 (D) access to nature; and

24 (E) a sustainable environment; and

25 (v) to promote justice and equity by stopping current, preventing
26 future, and repairing historic oppression of frontline and vulnerable
27 communities;

28 (b) the goals described in clauses (A) through (E) of subparagraph
29 (iv) of paragraph (a) of this subdivision (hereinafter referred to as
30 "Green New Deal for New York goals") should be accomplished through a
31 10-year national mobilization (hereinafter referred to as "Green New
32 Deal mobilization") that will require the following goals and projects:

33 (i) building resiliency against climate change-related disasters, such
34 as extreme weather, including by leveraging funding and providing
35 investments for community-defined projects and strategies;

36 (ii) repairing and upgrading the infrastructure in New York state,
37 including:

38 (A) by eliminating pollution and greenhouse gas emissions as much as
39 technologically feasible;

40 (B) by guaranteeing universal access to clean water;

41 (C) by reducing the risks posed by climate impacts; and

42 (D) by ensuring that any infrastructure bill considered by New York
43 state government addresses climate change;

44 (iii) meeting 100 percent of the power demand in New York state
45 through clean, renewable, and zero-emission energy sources, including:

46 (A) by dramatically expanding and upgrading renewable power sources;
47 and

48 (B) by deploying new capacity;

49 (iv) building or upgrading to energy-efficient, distributed, and
50 "smart" power grids, and ensuring affordable access to electricity;

51 (v) upgrading all existing buildings in New York state and building
52 new buildings to achieve maximum energy efficiency, water efficiency,
53 safety, affordability, comfort, and durability, including through elec-
54 trification;

55 (vi) spurring massive growth in clean manufacturing in New York state
56 and removing pollution and greenhouse gas emissions from manufacturing

1 and industry as much as is technologically feasible, including by
2 expanding renewable energy manufacturing and investing in existing manu-
3 facturing and industry;

4 (vii) working collaboratively with farmers and ranchers in New York
5 state to remove pollution and greenhouse gas emissions from the agricul-
6 tural sector as much as is technologically feasible, including:

7 (A) by supporting family farming;

8 (B) by investing in sustainable farming and land use practices that
9 increase soil health; and

10 (C) by building a more sustainable food system that ensures universal
11 access to healthy food;

12 (viii) overhauling transportation systems in New York state to remove
13 pollution and greenhouse gas emissions from the transportation sector as
14 much as is technologically feasible, including through investment in:

15 (A) zero-emission vehicle infrastructure and manufacturing;

16 (B) clean, affordable, and accessible public transit; and

17 (C) high-speed rail;

18 (ix) mitigating and managing the long-term adverse health, economic,
19 and other effects of pollution and climate change, including by provid-
20 ing funding for community-defined projects and strategies;

21 (x) removing greenhouse gases from the atmosphere and reducing
22 pollution by restoring natural ecosystems through proven low-tech
23 solutions that increase soil carbon storage, such as land preservation
24 and afforestation;

25 (xi) restoring and protecting threatened, endangered, and fragile
26 ecosystems through locally appropriate and science-based projects that
27 enhance biodiversity and support climate resiliency;

28 (xii) cleaning up existing hazardous waste and abandoned sites, ensur-
29 ing economic development and sustainability on those sites;

30 (xiii) identifying other emission and pollution sources and creating
31 solutions to remove them; and

32 (xiv) promoting the international exchange of technology, expertise,
33 products, funding, and services, with the aim of making New York state
34 the international leader on climate action, and to help other countries
35 achieve a Green New Deal;

36 (c) a Green New Deal for New York must be developed through transpar-
37 ent and inclusive consultation, collaboration, and partnership with
38 frontline and vulnerable communities, labor unions, worker cooperatives,
39 civil society groups, academia, and businesses; and

40 (d) to achieve the Green New Deal for New York goals and mobilization,
41 a Green New Deal for New York will require the following goals and
42 projects:

43 (i) providing and leveraging, in a way that ensures that the public
44 receives appropriate ownership stakes and returns on investment,
45 adequate capital, including through community grants, public banks, and
46 other public financing, technical expertise, supporting policies, and
47 other forms of assistance to communities, organizations, federal, state,
48 and local government agencies, and businesses working on the Green New
49 Deal for New York mobilization;

50 (ii) ensuring that New York state government takes into account the
51 complete environmental and social costs and impacts of emissions
52 through:

53 (A) existing laws;

54 (B) new policies and programs; and

55 (C) ensuring that frontline and vulnerable communities shall not be
56 adversely affected;

1 (iii) providing resources, training, and high-quality education,
2 including higher education, to all people of New York state, with a
3 focus on frontline and vulnerable communities, so that all people of New
4 York state may be full and equal participants in the Green New Deal for
5 New York mobilization;

6 (iv) making public investments in the research and development of new
7 clean and renewable energy technologies and industries;

8 (v) directing investments to spur economic development, deepen and
9 diversify industry and business in local and regional economies, and
10 build wealth and community ownership, while prioritizing high-quality
11 job creation and economic, social, and environmental benefits in front-
12 line and vulnerable communities, and deindustrialized communities, that
13 may otherwise struggle with the transition away from greenhouse gas
14 intensive industries;

15 (vi) ensuring the use of democratic and participatory processes that
16 are inclusive of and led by frontline and vulnerable communities and
17 workers to plan, implement, and administer the Green New Deal for New
18 York mobilization at the local level;

19 (vii) ensuring that the Green New Deal for New York mobilization
20 creates high-quality union jobs that pay prevailing wages, hires local
21 workers, offers training and advancement opportunities, and guarantees
22 wage and benefit parity for workers affected by the transition;

23 (viii) guaranteeing a job with a family-sustaining wage, adequate
24 family and medical leave, paid vacations, and retirement security to all
25 people of New York state;

26 (ix) strengthening and protecting the right of all workers to organ-
27 ize, unionize, and collectively bargain free of coercion, intimidation,
28 and harassment;

29 (x) strengthening and enforcing labor, workplace health and safety,
30 antidiscrimination, and wage and hour standards across all employers,
31 industries, and sectors;

32 (xi) enacting and enforcing trade rules, procurement standards, and
33 border adjustments with strong labor and environmental protections:

34 (A) to stop the transfer of jobs and pollution overseas; and

35 (B) to grow domestic manufacturing in New York state;

36 (xii) ensuring that public lands, waters, and oceans are protected and
37 that eminent domain is not abused;

38 (xiii) obtaining the free, prior, and informed consent of indigenous
39 peoples for all decisions that affect indigenous peoples and their
40 traditional territories, honoring all treaties and agreements with
41 indigenous peoples, and protecting and enforcing the sovereignty and
42 land rights of indigenous peoples;

43 (xiv) ensuring a commercial environment where every businessperson is
44 free from unfair competition and domination by domestic or international
45 monopolies; and

46 (xv) providing all people of New York state with:

47 (A) high-quality health care;

48 (B) affordable, safe, and adequate housing;

49 (C) economic security; and

50 (D) clean water, clean air, healthy and affordable food, and access to
51 nature.

52 § 2. Green New Deal for New York task force. 1. There shall be a task
53 force for a Green New Deal for New York which shall consist of the
54 following nineteen voting members: three members appointed by the
55 governor, one of which shall serve as the chair of the task force; pres-
56 ident of the New York state energy research and development authority,

1 or his or her designee; the chair of the public service commission, or
2 his or her designee; the commissioner of environmental conservation; or
3 his or her designee; president of empire state development or his or her
4 designee; the commissioner of transportation, or his or her designee;
5 the commissioner of health, or his or her designee; and the commissioner
6 of agriculture and markets, or his or her designee; the president of the
7 New York state AFL-CIO or his or her designee; the three members
8 appointed by the temporary president of the senate, one of whom shall be
9 a representative from the private sector; three members appointed by the
10 speaker of the assembly, one of whom shall be a representative from the
11 private sector; one member appointed by the minority leader of the
12 senate; and one member appointed by the minority leader of the assembly;
13 and in consultation with the following and other relevant state agen-
14 cies, public authorities, local governments, the federal government and
15 non-governmental organizations: the department of health, the department
16 of labor, the department of state, the division of homeland security and
17 emergency services, the power authority of the state of New York, the
18 Long Island power authority, the department of taxation and finance, the
19 metropolitan transportation authority, the state university of New York,
20 the city university of New York, the New York independent system opera-
21 tor, and others.

22 2. No member of the task force shall be disqualified from holding any
23 public office or employment, nor shall he or she forfeit any such office
24 of employment by virtue of his or her appointment pursuant to this
25 section.

26 3. Members of the task force shall receive no compensation for their
27 services, but shall be allowed their actual and necessary expenses
28 incurred in the performance of their functions pursuant to this section.

29 4. The task force shall hold at least five public hearings. To the
30 extent practicable, such hearings shall be held in different regions of
31 the state. During the public hearings, the task force shall hear the
32 testimony of voluntary witnesses.

33 5. The task force shall develop a detailed statewide, industrial,
34 economic mobilization plan (hereinafter referred to as the "plan for a
35 Green New Deal for New York" or the "plan") for the transition of the
36 New York economy to become greenhouse gas emissions neutral by 2030, or
37 as soon as feasible, by eliminating pollution and greenhouse gas emis-
38 sions as much as technologically feasible, by transitioning rapidly to
39 clean renewable energy technologies and to significantly draw down
40 greenhouse gases from the atmosphere and oceans and to promote economic
41 and environmental justice and equality. In furtherance of the foregoing,
42 the plan shall:

43 (a) be prepared in consultation with experts and leaders from busi-
44 ness, labor, state and local governments, tribal nations, academia and
45 broadly representative civil society groups and communities;

46 (b) be driven by the state government, in collaboration, co-creation
47 and partnership with business, labor, local governments, tribal nations,
48 research institutions and civil society groups and communities, and the
49 federal government;

50 (c) be executed in no longer than 10 years from the start of execution
51 of such plan;

52 (d) provide opportunities for high income work, entrepreneurship and
53 cooperative and public ownership; and

54 (e) additionally, be responsive to, and in accordance with, the goals
55 and guidelines relating to social, economic, racial, regional and
56 gender-based justice and equality.

1 6. In addition to preparing the plan, the task force shall prepare
2 draft legislation for the enactment of the plan in accordance with this
3 section. Such draft legislation may be prepared concurrently with the
4 development of the plan, or as the task force may otherwise deem appro-
5 priate, provided that such finalized draft legislation shall be
6 completed in accordance with the timing set forth in subparagraph (ii)
7 of paragraph (b) of subdivision 9 of this section.

8 7. The task force shall have the authority to investigate, study, make
9 findings, convene experts and leaders from industry, academia, local
10 communities, labor, finance, environmental justice, technology and any
11 other industry or group that the select committee deems to be a relevant
12 resource. The task force may, at its discretion and as its members may
13 deem appropriate, hold public hearings in connection with any aspect of
14 its investigative functions.

15 8. To enable the task force to carry out the purposes of this article,
16 the task force will use existing staff and resources from appropriate
17 agencies.

18 9. (a) The task force shall submit a preliminary report on the plan to
19 the governor, senate and assembly and online for the public by September
20 1, 2019 and as it deems appropriate from time to time the results of its
21 investigations and studies, together with such detailed findings and
22 interim recommendations or proposed plan or draft legislation, or
23 portion thereof, as it may deem advisable.

24 (b)(i) The task force shall complete the plan for a Green New Deal for
25 New York and issue a report to the governor, the temporary president of
26 the senate, and the speaker of the assembly by a date no later than
27 January 1, 2020.

28 (ii) The task force shall complete the finalized draft legislation and
29 submit it to the governor, the temporary president of the senate, and
30 the speaker of the assembly by a date no later than the date that is 90
31 calendar days after the task force has completed the plan and, in any
32 event, no later than March 1, 2020.

33 (iii) The task force shall ensure that the plan and the draft legis-
34 lation prepared in accordance with this section shall, upon completion
35 be made available to the general public in widely accessible formats
36 including, but not limited to, via at least one dedicated website and a
37 print publication, by a date no later than 30 calendar days following
38 the respective dates for completion.

39 10. (a) The plan for a Green New Deal and the draft legislation shall
40 be developed with the objective of reaching the following outcomes with-
41 in the target window of 10 years from the start of execution of the
42 plan:

43 (i) dramatically expand existing renewable power sources and deploy
44 new production capacity with the goal of meeting 100 percent of New York
45 state power demand through clean renewable sources;

46 (ii) building a statewide, energy-efficient, "smart" grid;

47 (iii) upgrading every residential and industrial building for state-
48 of-the-art energy efficiency, comfort and safety;

49 (iv) eliminating greenhouse gas emissions from the manufacturing,
50 agricultural and other industries, including by investing in local-scale
51 agriculture in communities across the state;

52 (v) eliminating greenhouse gas emissions from, repairing and improving
53 transportation and other infrastructure, and upgrading water infrastruc-
54 ture to ensure universal access to clean water;

55 (vi) funding massive investment in the drawdown of greenhouse gases;

1 (vii) making "green" technology, industry, expertise, products and
2 services a major export of New York state, with the aim of becoming the
3 undisputed international leader in helping other states and countries
4 transition to completely greenhouse gas neutral economies and bringing
5 about a global Green New Deal; and

6 (viii) explain how these actions will be financed and what the econom-
7 ic impact will be if we take these actions and if we do not take these
8 actions.

9 (b) The plan for a Green New Deal and the draft legislation shall
10 recognize that a state, industrial, economic mobilization of this scope
11 and scale is a historic opportunity to virtually eliminate poverty in
12 New York state and to make prosperity, wealth and economic security
13 available to everyone participating in the transformation. In further-
14 ance of the foregoing, the plan and the draft legislation shall:

15 (i) provide all members of our society, across all regions and all
16 communities, the opportunity, training and education to be a full and
17 equal participant in the transition, including through a job guarantee
18 program to assure a living wage job to every person who wants one;

19 (ii) diversify local and regional economies, with a particular focus
20 on communities where the fossil fuel industry holds significant control
21 over the labor market, to ensure workers have the necessary tools,
22 opportunities, and economic assistance to succeed during the energy
23 transition;

24 (iii) require strong enforcement of labor, workplace safety, and wage
25 standards that recognize the rights of workers to organize and unionize
26 free of coercion, intimidation, and harassment, and creation of meaning-
27 ful, quality, career employment;

28 (iv) ensure a 'just transition' for all workers, low-income communi-
29 ties, communities of color, indigenous communities, rural and urban
30 communities and the front-line communities most affected by climate
31 change, pollution and other environmental harm including by ensuring
32 that local implementation of the transition is led from the community
33 level and by prioritizing solutions that end the harms faced by front-
34 line communities from climate change and environmental pollution;

35 (v) protect and enforce sovereign rights and land rights of tribal
36 nations;

37 (vi) mitigate deeply entrenched racial, regional and gender-based
38 inequalities in income and wealth including, but not limited to, ensur-
39 ing that state and other investment will be equitably distributed to
40 historically impoverished, low income, deindustrialized or other margi-
41 nalized communities in such a way that builds wealth and ownership at
42 the community level;

43 (vii) include additional measures such as basic income programs,
44 universal health care programs and any others as the task force may deem
45 appropriate to promote economic security, labor market flexibility and
46 entrepreneurship;

47 (viii) deeply involve state and local labor unions to take a leader-
48 ship role in the process of job training and worker deployment; and

49 (ix) explain how these actions will be financed and what the economic
50 impact will be if these actions are taken and if these actions are not
51 taken.

52 (c) The plan for a Green New Deal and the draft legislation shall
53 recognize that innovative public and other financing structures are a
54 crucial component in achieving and furthering the goals and guidelines
55 relating to social, economic, racial, regional and gender-based justice
56 and equality and cooperative and public ownership. The plan and the

1 draft legislation shall, accordingly, ensure that the majority of
2 financing of the plan shall be accomplished by the state government,
3 using a combination of a new public bank or a system of regional and
4 specialized public banks, public venture funds and such other vehicles
5 or structures that the task force deems appropriate, in order to ensure
6 that interest and other investment returns generated from public invest-
7 ments made in connection with the plan will be returned to the state,
8 reduce taxpayer burden and allow for more investment.
9 § 3. This act shall take effect immediately and shall expire and be
10 deemed repealed April 1, 2020.