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:

Section 1. Legislative findings and intent. 1. The legislature recognizes the duty of the New York state government to create a Green New Deal for New York. An October 2018 report entitled "Special Report on Global Warming of 1.5°C" by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that:

(a) human activity is the dominant cause of observed climate change over the past century;

(b) a changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten human life, healthy communities, and critical infrastructure;

(c) global warming at or above 2 degrees Celsius beyond preindustrialized levels will cause:

(i) mass migration from the regions most affected by climate change;

(ii) more than $500,000,000,000 in lost annual economic output in the United States by the year 2100;

(iii) wildfires that, by 2050, will annually burn at least twice as much forest area in the western United States than was typically burned by wildfires in the years preceding 2019;

(iv) a loss of more than 99 percent of all coral reefs on earth;

(v) more than 350,000,000 more people to be exposed globally to deadly 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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(vi) a risk of damage to $1,000,000,000,000 of public infrastructure and coastal real estate in the United States; and

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

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

(ii) net-zero global emissions by 2050.

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

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

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

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

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

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

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

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

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

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

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

(iii) a gender earnings gap that results in women earning approximately 80 percent as much as men, at the median.

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

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

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

(b) by acting as a threat multiplier.

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

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

(a) to create millions of good, high-wage jobs in New York state;

(b) to provide unprecedented levels of prosperity and economic security for all people of New York state; and

(c) to counteract systemic injustices.

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

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

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

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

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

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

(A) clean air and water;

(B) climate and community resiliency;

(C) healthy food;

(D) access to nature; and

(E) a sustainable environment; and

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

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

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

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

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

(B) by guaranteeing universal access to clean water;

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

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

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

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

(B) by deploying new capacity;

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

(v) upgrading all existing buildings in New York state and building new buildings to achieve maximum energy efficiency, water efficiency, safety, affordability, comfort, and durability, including through electrification;

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

and industry as much as is technologically feasible, including by expanding renewable energy manufacturing and investing in existing manufacturing and industry;

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

(A) by supporting family farming;

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

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

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

(A) zero-emission vehicle infrastructure and manufacturing;

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

(C) high-speed rail;

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

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

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

(xii) cleaning up existing hazardous waste and abandoned sites, ensuring economic development and sustainability on those sites;

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

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

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

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

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

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

(A) existing laws;

(B) new policies and programs; and

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

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

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

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

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

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

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

(ix) strengthening and protecting the right of all workers to organize, unionize, and collectively bargain free of coercion, intimidation, and harassment;

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

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

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

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

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

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

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

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

(A) high-quality health care;

(B) affordable, safe, and adequate housing;

(C) economic security; and

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

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

or his or her designee; the chair of the public service commission, or his or her designee; the commissioner of environmental conservation, or his or her designee; president of empire state development or his or her designee; the commissioner of transportation, or his or her designee; the commissioner of health, or his or her designee; and the commissioner of agriculture and markets, or his or her designee; the president of the New York state AFL-CIO or his or her designee; the three members appointed by the temporary president of the senate, one of whom shall be a representative from the private sector; three members appointed by the speaker of the assembly, one of whom shall be a representative from the private sector; one member appointed by the minority leader of the senate; and one member appointed by the minority leader of the assembly; and in consultation with the following and other relevant state agencies, public authorities, local governments, the federal government and non-governmental organizations: the department of health, the department of labor, the department of state, the division of homeland security and emergency services, the power authority of the state of New York, the Long Island power authority, the department of taxation and finance, the metropolitan transportation authority, the state university of New York, the city university of New York, the New York independent system operator, and others.

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

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

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

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

(a) be prepared in consultation with experts and leaders from business, labor, state and local governments, tribal nations, academia and broadly representative civil society groups and communities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(v) eliminating greenhouse gas emissions from, repairing and improving transportation and other infrastructure, and upgrading water infrastructure to ensure universal access to clean water;

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

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

(viii) explain how these actions will be financed and what the economic impact will be if we take these actions and if we do not take these actions.

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

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

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

(iii) require strong enforcement of labor, workplace safety, and wage standards that recognize the rights of workers to organize and unionize free of coercion, intimidation, and harassment, and creation of meaningful, quality, career employment;

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

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

(vi) mitigate deeply entrenched racial, regional and gender-based inequalities in income and wealth including, but not limited to, ensuring that state and other investment will be equitably distributed to historically impoverished, low income, deindustrialized or other marginalized communities in such a way that builds wealth and ownership at the community level;

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

(viii) deeply involve state and local labor unions to take a leadership role in the process of job training and worker deployment; and

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

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

draft legislation shall, accordingly, ensure that the majority of financing of the plan shall be accomplished by the state government, using a combination of a new public bank or a system of regional and specialized public banks, public venture funds and such other vehicles or structures that the task force deems appropriate, in order to ensure that interest and other investment returns generated from public investments made in connection with the plan will be returned to the state, reduce taxpayer burden and allow for more investment.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed April 1, 2020.