

STATE OF NEW YORK

225

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. CAHILL, ENGLEBRIGHT, ROZIC, SIMON, EPSTEIN,
L. ROSENTHAL, WEPRIN, COLTON, STECK -- 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 Assem-
bly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds and
2 declares that the use of fossil fuels result in greenhouse gas emis-
3 sions. The state has a goal of reducing greenhouse gas emissions by
4 eighty percent below 1990 levels by 2050 to combat climate change.
5 Therefore, the state has an interest in reducing tax expenditures that
6 support fossil fuels. By creating a process through which the legisla-
7 ture would review existing fossil fuel tax expenditures on a regular
8 basis, the state can better ensure that they are in the public interest.

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

11 (c) "Fossil fuel" shall have the same definition as in section 1-103
12 of the energy law and include biodiesel.

13 (d) "Fossil fuel related tax expenditures" shall mean tax expenditures
14 that directly support the production, transmission, distribution, trans-
15 portation, storage, sale, purchase or delivery of fossil fuels.

16 § 3. The opening paragraph and paragraphs (f) and (g) of subdivision 2
17 of section 181 of the executive law, the opening paragraph as amended by
18 chapter 309 of the laws of 1996 and paragraphs (f) and (g) as added by
19 chapter 23 of the laws of 1990, are amended and two new paragraphs (h)
20 and (i) are added to read as follows:

21 In addition to the information required by article seven of the
22 constitution and section twenty-two of the state finance law, the gover-

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

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1 nor shall submit to the legislature and make available to the public on
2 the websites of the state division of budget and the executive office,
3 and any other location deemed necessary to ensure ease of access, [as
4 ~~early as practicable, but no later than thirty days after]~~ concurrent
5 with submitting the budget, a tax expenditure report containing the
6 following information and statements relating to tax expenditures in
7 articles nine (other than section one hundred eighty), nine-A, thir-
8 teen-A, twenty-two, twenty-eight, thirty-one[~~, thirty-two~~] and thirty-
9 three of the tax law:

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

12 (g) general cautionary and advisory notes concerning limitations of
13 data, estimation procedures, sampling errors and imputed values, promi-
14 nently displayed[];

15 (h) information identifying whether a tax expenditure is a fossil fuel
16 related tax expenditure and if so, provide additional information on the
17 impact of such expenditures in regard to economic growth, jobs, individ-
18 ual cost of living and fossil fuel emissions; and

19 (i) any recommendations of the governor regarding continuing, modify-
20 ing or repealing any identified fossil fuel related tax expenditures,
21 and such other information regarding such fossil fuel related tax
22 expenditures as he or she may feel useful and appropriate, in consulta-
23 tion with the state energy planning board.

24 § 4. Notwithstanding any other provisions of law, there shall be a 5
25 year expiration for all fossil fuel related tax expenditures, as defined
26 in paragraph (d) of subdivision 1 of section 181 of the executive law,
27 with such 5 year period commencing on the effective date of this act;
28 provided, however, that if such an expenditure would otherwise expire or
29 be deemed repealed pursuant to law upon an earlier date, then such
30 expenditure shall expire or be deemed repealed upon such earlier date.
31 Any new fossil fuel related tax expenditure enacted by the legislature
32 after the effective date of this act shall be subject to a 5 year expi-
33 ration commencing on the effective date of the act which enacted such
34 expenditure unless otherwise specified by the legislature at that time.

35 § 5. This act shall take effect immediately.