STATE OF NEW YORK

7539

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. PALMESANO -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing a climate action cost council; and to amend the environmental conservation law, the public service law and the public authorities law, in relation to limiting the number of rules and regulations that may be promulgated annually regarding certain climate goals

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

Section 1. The environmental conservation law is amended by adding a new section 75-0104 to read as follows:

§ 75-0104. Climate action cost council.

1. There is hereby established a climate action cost council, which shall consist of nine members to be appointed as follows:

a. one member appointed by the governor;

b. two members appointed by the temporary president of the senate;

c. two members appointed by the speaker of the assembly;

d. two members appointed by the minority leader of the senate; and

e. two members appointed by the minority leader of the assembly.

2. The members shall always include individuals with expertise in issues relating to energy, environmental conservation, labor, public health and regulated industries, including, but not limited to housing, agriculture, construction, transportation and manufacturing.

3. Council members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

4. Each member of the council shall be entitled to one vote. The council's approval of regulatory action pursuant to this article shall require a two-third vote of the council. No action shall be taken by the council unless there is a quorum, which shall at all times be a majority of the members of the council.

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

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5. Any vacancies on the council shall be filled in the manner provided for in the initial appointment.

6. Prior to promulgation of any regulatory measure taken to ensure the attainment of the statewide greenhouse gas emissions limits established pursuant to section 75-0107 of this article taking effect, such measure shall be approved by a two-thirds vote of the council.

7. Each state agency shall notify the council of any regulatory measure taken to ensure the attainment of the statewide greenhouse gas emissions limits established pursuant to section 75-0107 of this article no less than sixty days before the final adoption of a rule, regulation, or code. The council shall vote on such regulatory measure as soon as practicable and no later than its next quarterly meeting after the council has been notified. No regulatory measures pursuant to this article shall take effect unless approved by the council.

8. When determining whether to vote to approve a regulatory measure, council members shall consider:

a. the cost, including, but not limited to, the cost to ratepayers and businesses across the state;

b. the impact to the electrical grid, including, but not limited to, reliability and safety; and

c. the reduction in greenhouse gas emissions associated with the regulatory measure.

9. The council shall meet quarterly. Such meetings shall be open to the public and subject to article seven of the public officers law. No less than sixty days prior to a meeting of the council, the council shall publish a list of draft regulations, rules, or codes to be considered by the council, and the council shall make meaningful public comment available prior to the meeting.

10. The council shall submit an annual report to the governor and the legislature beginning on January first, two thousand twenty-six, and annually thereafter. The report shall include a summary of actions taken by the council, the total costs imposed on ratepayers and businesses, and the amount of reduction in greenhouse gas emissions. The report shall be made publicly available on the department's, the New York state energy research and development authority's, and the department of public service's websites.

11. The council may request information related to attaining the cost of regulatory measures on consumers and businesses from third parties and state agencies.

12. A vote of the council may be overridden by a roll call vote of two-thirds of each chamber of the legislature.

§ 2. Subdivision 4 of section 75-0101 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

4. "Council"**, except as used in section 75-0104 of this article or in reference to the climate action cost council established thereunder,** means the New York state climate action council established pursuant to section 75-0103 of this article.

§ 3. Subdivision 1 of section 75-0109 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

1. No later than four years after the effective date of this article, the department, after public workshops and consultation with the council, the environmental justice advisory group, and the climate justice working group established pursuant to section 75-0111 of this article, representatives of regulated entities, community organizations, environ-

mental groups, health professionals, labor unions, municipal corporations, trade associations and other stakeholders, shall, after no less than two public hearings, promulgate **no more than five** rules and regulations **annually** to ensure compliance with the statewide emissions reduction limits and work with other state agencies and authorities to promulgate regulations required by section eight of [~~the~~] chapter **one hundred six** of the laws of two thousand nineteen [~~that added this article~~].

§ 4. Section 51 of the public service law, as added by chapter 713 of the laws of 1981 and as renumbered by chapter 176 of the laws of 1986, is amended to read as follows:

§ 51. Rules and regulations. The commission shall adopt such additional rules and regulations as it deems necessary and proper to implement the provisions of this [~~act~~] **article; provided however that, notwithstanding any rule, regulation, or law to the contrary, the commission shall not adopt rules and regulations related to compliance with article seventy-five of the environmental conservation law without prior approval of the climate action cost council as established in section 75-0104 of the environmental conservation law except in times of exigent circumstances where there is an immediate threat to public safety or the reliability of the grid**.

§ 5. Subdivision 4 of section 1855 of the public authorities law, as amended by chapter 487 of the laws of 2009, is amended to read as follows:

4. To make rules and regulations governing the exercise of its corporate powers and the fulfillment of its corporate purposes under this title and title nine-A of this article, which shall be filed with the department of state in the manner provided by section one hundred two of the executive law**; provided however that, notwithstanding any rule, regulation, or law to the contrary, the authority shall not adopt rules and regulations related to compliance with article seventy-five of the environmental conservation law without prior approval of the climate action cost council as established in section 75-0104 of the environmental conservation law except in times of exigent circumstances where there is an immediate threat to public safety or the reliability of the grid**.

§ 6. Subdivision 15 of section 75-0103 of the environmental conservation law, as added by chapter 106 of the laws of 2019, is amended to read as follows:

15. The council shall update its plan for achieving the statewide greenhouse gas emissions limits at least once every [~~five years~~] **year** and shall make such updates available to the governor, the speaker of the assembly and the temporary president of the senate and post such updates on its website. **The council and the climate action cost council as established under section 75-0104 of this article shall hold one public meeting annually in a city of more than one million people, one public meeting annually in Nassau county or Suffolk county, one public meeting annually in Albany county, and one public meeting annually in Erie county. Such meetings shall be for the purpose of informing the public of the progress of achieving the statewide greenhouse gas emission limits as set forth under this article, and for informing the public of the costs of rules and regulatory measures approved by the climate action cost council established under section 75-0104 of this article. Such meetings shall be subject to article seven of the public officers law.**

§ 7. This act shall take effect immediately.