

# STATE OF NEW YORK

9072--A

## IN SENATE

January 28, 2026

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the environmental conservation law, in relation to climate corporate data accountability; and to amend the state finance law, in relation to establishing the climate accountability and emissions disclosure fund

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

1 Section 1. This act shall be known and may be cited as the "climate  
2 corporate data accountability act".

3 § 2. The environmental conservation law is amended by adding a new  
4 article 74 to read as follows:

### ARTICLE 74

#### CLIMATE CORPORATE DATA ACCOUNTABILITY ACT

7 Section 74-0101. Definitions.

8 74-0102. Climate corporate data accountability act.

9 § 74-0101. Definitions.

10 As used in this section, the following terms shall have the following  
11 meanings:

12 1. "Emissions reporting organization" means either: a. an organization  
13 within the department created by the department pursuant to paragraph b  
14 of subdivision two of section 74-0102 of this article; or b. a nonprofit  
15 emissions reporting organization contracted by the department pursuant  
16 to paragraph b of subdivision two of section 74-0102 of this article  
17 that both:

18 i. Currently operates a greenhouse gas emissions reporting organiza-  
19 tion for organizations operating in the United States; and

20 ii. Has experience with greenhouse gas emissions disclosure by enti-  
21 ties operating in New York.

22 2. "Reporting entity" means:

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

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1 a. A partnership, corporation, limited liability company, or other  
2 business entity formed under the laws of this state, the laws of any  
3 other state of the United States or the District of Columbia, or under  
4 an act of the Congress of the United States that both:

5 i. Does business in this state and is deriving receipts from activity  
6 in this state within the meaning of section two hundred nine of the tax  
7 law; and

8 ii. Has total revenues in excess of one billion dollars in the preced-  
9 ing fiscal year, including but not limited to revenues received by all  
10 of the business entity's subsidiaries that do business in this state.

11 b. A foreign entity shall not be considered to be doing business in  
12 this state exclusively by reason of carrying on in this state any of the  
13 activities enumerated in subsection (b) of section thirteen hundred one  
14 of the business corporation law. If a reporting entity is included as a  
15 consolidated subsidiary in the consolidated financial statements of an  
16 ultimate parent entity, then such ultimate parent entity may be the  
17 reporting entity for purposes of this definition. If a subsidiary of a  
18 parent company qualifies as a reporting entity for the purposes of this  
19 definition, the subsidiary is not required to prepare a separate report  
20 so long as the parent company prepares a report.

21 3. "Scope 1 emissions" means all direct greenhouse gas emissions that  
22 stem from sources that a reporting entity owns or directly controls,  
23 regardless of location, including, but not limited to, fuel combustion  
24 activities.

25 4. "Scope 2 emissions" means indirect greenhouse gas emissions from  
26 consumed electricity, steam, heating, or cooling purchased or acquired  
27 by a reporting entity, regardless of location.

28 5. "Scope 3 emissions" means indirect upstream and downstream green-  
29 house gas emissions, other than scope 2 emissions, from sources that the  
30 reporting entity does not own or directly control and may include, but  
31 are not limited to, purchased goods and services, business travel,  
32 employee commutes, and processing and use of sold products and services.

33 6. "Assurance provider" means a firm or entity which carries out an  
34 assurance engagement.

35 7. "Assurance engagement" means an engagement in which an assurance  
36 provider expresses an independent opinion on the reports issued under  
37 this section, to enhance the degree of confidence of the department,  
38 consumers, and investors about the information disclosed by the report-  
39 ing entity.

40 § 74-0102. Climate corporate data accountability act.

41 1. a. The department shall adopt regulations on or before December  
42 thirty-first two thousand twenty-seven to require a reporting entity to  
43 annually disclose to the emissions reporting organization, and to obtain  
44 an assurance engagement performed by an independent third-party assur-  
45 ance provider on, all of the reporting entity's scope 1 emissions, scope  
46 2 emissions, and scope 3 emissions. The regulations adopted pursuant to  
47 this subdivision shall require that:

48 i. (1) (A) Starting in two thousand twenty-eight on a date to be  
49 determined by the department, and annually thereafter, a reporting enti-  
50 ty shall publicly disclose to the emissions reporting organization all  
51 of the reporting entity's scope 1 emissions and scope 2 emissions for  
52 the prior fiscal year.

53 (B) Starting in two thousand twenty-nine and annually thereafter, a  
54 reporting entity shall publicly disclose its scope 3 emissions to the  
55 emissions reporting organization for the prior fiscal year on a schedule

1 set by the department pursuant to regulations developed pursuant to this  
2 article.

3 (2) In complying with the requirements of this section, a reporting  
4 entity shall measure and report its emissions of greenhouse gases in  
5 conformance with the Greenhouse Gas Protocol Corporate Accounting and  
6 Reporting Standard and the Greenhouse Gas Protocol Corporate Value Chain  
7 (Scope 3) Accounting and Reporting Standard developed by the World  
8 Resources Institute and the World Business Council for Sustainable  
9 Development, including guidance for scope 3 emissions calculations that  
10 detail acceptable use of both primary and secondary data sources,  
11 including the use of industry average data, proxy data, and other gener-  
12 ic data in its scope 3 emissions calculations.

13 (3) (A) Starting in two thousand thirty-five, the department may  
14 survey and assess currently available greenhouse gas accounting and  
15 reporting standards. At the conclusion of this assessment the department  
16 may adopt a globally recognized alternative accounting and reporting  
17 standard if it determines its use would more effectively further the  
18 goals of this section. This review process shall include consultation  
19 with the stakeholders identified in paragraph d of this subdivision.

20 (B) If the department adopts an alternative accounting and reporting  
21 standard, the department shall develop and adopt new regulations, pursu-  
22 ant to this paragraph, to ensure full conformance with the new standard  
23 and reporting of scopes 1, 2, and 3 emissions and other requirements of  
24 this section.

25 (4) On or before January first, two thousand thirty-two, the depart-  
26 ment shall review, and update as necessary, the public disclosure dead-  
27 lines established pursuant to clause one of this subparagraph to evalu-  
28 ate trends in scope 3 emissions reporting and consider changes to the  
29 disclosure deadlines to ensure that scope 3 emissions data is disclosed  
30 to the emissions reporting organization as close in time as practicable  
31 to the deadline for reporting entities to disclose scope 1 emissions and  
32 scope 2 emissions data.

33 (5) The reporting timelines shall take into account the timelines by  
34 which reporting entities typically receive scope 1, scope 2, and scope 3  
35 emissions data, as well as the capacity for an independent assurance  
36 engagement to be performed by a third-party assurance provider.

37 ii. A reporting entity's public disclosure shall maximize access for  
38 consumers, investors, and other stakeholders to comprehensive and  
39 detailed greenhouse gas emissions data across scope 1 emissions, scope 2  
40 emissions and scope 3 emissions, as defined by this section, and be made  
41 in a manner that is easily understandable and accessible.

42 iii. A reporting entity's public disclosure shall include the name of  
43 the reporting entity and any fictitious names, trade names, assumed  
44 names, subsidiaries and logos used by the reporting entity.

45 iv. A reporting entity's emissions reporting shall be structured in a  
46 way that minimizes duplication of effort and allows a reporting entity  
47 to submit to the emissions reporting organization reports prepared to  
48 meet other state, national, and international reporting requirements,  
49 including any reports required by the federal government or other states  
50 or reports voluntarily prepared, including those prepared using the  
51 International Financial Reporting Standards Foundation Sustainability  
52 Disclosure Standards as issued by the International Sustainability Stan-  
53 dards Board, as long as those reports satisfy all of the requirements of  
54 this section.

55 v. A reporting entity's disclosure shall take into account acquisi-  
56 tions, divestments, mergers, and other structural changes that can

1 affect the greenhouse gas emissions reporting, and is disclosed in a  
2 manner consistent with the Greenhouse Gas Protocol standards and guid-  
3 ance or an alternative standard, if one is adopted after two thousand  
4 thirty-five.

5 vi. (1) A reporting entity shall obtain an assurance engagement,  
6 performed by an independent third-party assurance provider, of their  
7 public disclosure. The reporting entity shall ensure that a copy of the  
8 complete assurance provider's report on the greenhouse gas emissions  
9 inventory, including the name of the third-party assurance provider, is  
10 provided to the emissions reporting organization as part of or in  
11 connection with the reporting entity's public disclosure.

12 (2) The assurance engagement for scope 1 emissions and scope 2 emis-  
13 sions shall be performed at a limited assurance level beginning in two  
14 thousand twenty-eight and at a reasonable assurance level beginning in  
15 two thousand thirty-two.

16 (3) On or before January first, two thousand twenty-nine, the depart-  
17 ment shall review and evaluate trends in third-party assurance require-  
18 ments for scope 3 emissions, and on or before such date, the department  
19 may establish an assurance requirement for third-party assurance engage-  
20 ments of scope 3 emissions. If any such requirement is established, the  
21 assurance engagement for scope 3 emissions shall be performed at a  
22 limited assurance level beginning in two thousand thirty-two.

23 (4) A third-party assurance provider shall have significant experience  
24 in measuring, analyzing, reporting, or attesting to the emission of  
25 greenhouse gases and sufficient competence and capabilities necessary to  
26 perform engagements in accordance with professional standards and appli-  
27 cable legal and regulatory requirements. The assurance provider shall be  
28 able to issue reports that are appropriate under the circumstances and  
29 independent with respect to the reporting entity, and any of the report-  
30 ing entity's affiliates for which it is providing the assurance report.  
31 On or before January first, two thousand thirty-two, the department  
32 shall review, and update as necessary, the qualifications for third-par-  
33 ty assurance providers based on an evaluation of trends in education  
34 relating to the emission of greenhouse gases and the qualifications of  
35 third-party assurance providers.

36 (5) The department shall ensure that the assurance process minimizes  
37 the need for reporting entities to engage multiple assurance providers  
38 and ensures sufficient assurance provider capacity, as well as timely  
39 reporting implementation as required under clause one of subparagraph i  
40 of this paragraph.

41 vii. (1) A reporting entity shall pay an annual fee to the department  
42 for the administration and implementation of this section.

43 (2) The department shall set the fee established pursuant to clause  
44 one of this subparagraph in an amount sufficient to cover the depart-  
45 ment's full costs of administrating and implementing this section. The  
46 total amount of fees collected shall not exceed the department's actual  
47 and reasonable costs to administer and implement this section.

48 (3) The proceeds of the fees imposed pursuant to clause one of this  
49 subparagraph shall be deposited in the climate accountability and emis-  
50 sions disclosure fund established by section ninety-nine-uu of the state  
51 finance law.

52 b. The department shall create or contract with an emissions reporting  
53 organization to develop a reporting program to receive and make publicly  
54 available disclosures required by this section. Emissions reporting  
55 organizations shall not be authorized to provide services to a company

1 where a conflict of interest exists. A conflict of interest shall  
2 include:

3 i. The emissions reporting organization and reporting entity sharing  
4 any management staff or board of directors membership, or any of the  
5 senior management staff of the reporting entity having been employed by  
6 the emissions reporting organization or reporting entity within the  
7 previous five years.

8 ii. Any employee of the emissions reporting organization, or any  
9 employee of a related entity, or a subcontractor who is a member of the  
10 emissions reporting organization having provided the reporting entity  
11 with services related to the areas of emissions reporting organization,  
12 or any services designated by the department, within the previous five  
13 years.

14 iii. Any staff member of the emissions reporting organization provid-  
15 ing any type of non-monetary incentive to a reporting entity to secure a  
16 services contract.

17 c. The department may adopt or update any other regulations that it  
18 deems necessary and appropriate to implement this subdivision.

19 d. In developing the regulations required pursuant to this subdivi-  
20 sion, the department shall consult with all of the following:

21 i. the attorney general;

22 ii. other government stakeholders, including, but not limited to,  
23 experts in climate science and corporate carbon emissions accounting and  
24 reporting;

25 iii. investors;

26 iv. stakeholders representing consumer and environmental justice  
27 interests; and

28 v. reporting entities that have demonstrated leadership in full-scope  
29 greenhouse gas emissions accounting and public disclosure and greenhouse  
30 gas emissions reductions.

31 e. This section does not require additional reporting of emissions of  
32 greenhouse gases beyond the reporting of scope 1 emissions, scope 2  
33 emissions, and scope 3 emissions required pursuant to the Greenhouse Gas  
34 Protocol standards and guidance or an alternative standard, if one is  
35 adopted after two thousand thirty-five.

36 2. a. The department shall prepare a report on the public disclosures  
37 made by reporting entities to the emissions reporting organization  
38 pursuant to subdivision one of this section and the regulations adopted  
39 by the department pursuant to such subdivision. In preparing the report,  
40 consideration shall be given to, at a minimum, greenhouse gas emissions  
41 from reporting entities in the context of state greenhouse gas emissions  
42 reduction and climate goals. The department shall issue the report of  
43 its findings to the governor, the speaker of the assembly and the tempo-  
44 rary president of the senate and shall publish such report on its  
45 website.

46 b. The emissions reporting organization shall make the reporting enti-  
47 ties' disclosures publicly available on the digital platform required to  
48 be created by the emissions reporting organization pursuant to subdivi-  
49 sion four of this section.

50 3. a. i. The emissions reporting organization, on or before July  
51 first, two thousand twenty-eight pursuant to clause one of subparagraph  
52 i of paragraph a of subdivision one of this section, shall create a  
53 digital platform, which shall be accessible to the public, that will  
54 feature the emissions data of reporting entities in conformance with the  
55 regulations adopted by the department pursuant to subdivision one of  
56 this section and the report prepared for the department pursuant to

1 subdivision two of this section. The emissions reporting organization  
2 shall make the reporting entities' disclosures and the department's  
3 report available on the digital platform within ninety days of receipt.

4 ii. The digital platform shall be capable of featuring individual  
5 reporting entity disclosures, and shall allow consumers, investors, and  
6 other stakeholders to view reported data elements aggregated in a varie-  
7 ty of ways, including multiyear data, in a manner that is easily under-  
8 standable and accessible to residents of the state. All data sets and  
9 customized views shall be available in electronic format for access and  
10 use by the public.

11 b. The emissions reporting organization shall submit, within thirty  
12 days of receipt, the report prepared for the department pursuant to this  
13 subdivision to the temporary president of the senate, the speaker of the  
14 assembly, and the governor.

15 4. a. The attorney general may bring a civil action against a report-  
16 ing entity seeking civil penalties of up to one hundred thousand dollars  
17 per day for willful failure to comply with the requirements of this  
18 section or regulations set forth by the department, including for  
19 nonfiling, late filing, or other failure to meet the requirements of  
20 this section. The civil penalties imposed on a reporting entity for  
21 such violations shall not exceed five hundred thousand dollars in a  
22 reporting year. In seeking civil penalties for a violation of this  
23 section, the attorney general shall consider all relevant circumstances,  
24 including both of the following:

25 i. the violator's past and present compliance with this section; and  
26 ii. whether the violator took any good faith measures to comply with  
27 this section and when those measures were taken.

28 b. A reporting entity shall not be subject to a civil action under  
29 this section for any misstatements with regard to scope 3 emissions  
30 disclosures made with a reasonable basis and disclosed in good faith.

31 c. Penalties assessed on scope 3 reporting, between two thousand twen-  
32 ty-nine and two thousand thirty-two, shall only occur for nonfiling.

33 5. This section applies to the state university and city university of  
34 New York only to the extent that the regents of the state university or  
35 city university, by resolution, make any of these provisions applicable  
36 to the university.

37 § 3. The state finance law is amended by adding a new section 99-uu to  
38 read as follows:

39 § 99-uu. Climate accountability and emissions disclosure fund. 1.  
40 There is hereby established in the joint custody of the state comp-  
41 trroller and the department of tax and finance a special fund to be known  
42 as the "climate accountability and emissions disclosure fund". Moneys in  
43 this account shall be kept separate and not commingled with any other  
44 moneys in the custody of the comptroller.

45 2. Such fund shall consist of all revenues received by the department  
46 of taxation and finance, pursuant to the provisions of section 74-0102  
47 of the environmental conservation law, the tax law and all other moneys  
48 credited or transferred thereto from any other fund or source pursuant  
49 to law. Nothing contained in this section shall prevent the state from  
50 receiving grants, gifts or bequests for the purposes of the fund as  
51 defined in this section and depositing them into the fund according to  
52 law. Any interest received by the comptroller on moneys on deposit  
53 shall be retained and become part of the fund, unless otherwise directed  
54 by law.

55 § 4. Severability. If any clause, sentence, paragraph, subdivision,  
56 section or part of this act shall be adjudged by any court of competent

1 jurisdiction to be invalid, such judgment shall not affect, impair, or  
2 invalidate the remainder thereof, but shall be confined in its operation  
3 to the clause, sentence, paragraph, subdivision, section or part thereof  
4 directly involved in the controversy in which such judgment shall have  
5 been rendered. It is hereby declared to be the intent of the legislature  
6 that this act would have been enacted even if such invalid provisions  
7 had not been included herein.

8 § 5. This act shall take effect on the one hundred eightieth day after  
9 it shall have become a law. Effective immediately, the addition, amend-  
10 ment and/or repeal of any rule or regulation necessary for the implemen-  
11 tation of this act on its effective date are authorized to be made and  
12 completed on or before such effective date.