

1 this act shall not affect the expiration and repeal of such subdivision  
2 and shall be deemed repealed therewith.

3 PART VV

4 Section 1. Subdivisions 2, 8 and 13 of section 75-0101 of the environ-  
5 mental conservation law, as added by chapter 106 of the laws of 2019,  
6 are amended to read as follows:

7 2. "Carbon dioxide equivalent" means the amount of carbon dioxide by  
8 mass that would produce the same global warming impact as a given mass  
9 of another greenhouse gas over an integrated [twenty-year] one hundred-  
10 year time frame after emission.

11 8. "Greenhouse gas emission limit" means the maximum allowable level  
12 of statewide greenhouse gas emissions, excluding emissions identified  
13 under paragraph f of subdivision two of section 75-0105 of this article,  
14 in a specified year, expressed in tons of carbon dioxide equivalent, as  
15 determined by the department pursuant to this article.

16 13. "Statewide greenhouse gas emissions" means the total annual emis-  
17 sions of greenhouse gases produced within the state from anthropogenic  
18 sources and greenhouse gases produced outside of the state that are  
19 associated with the generation of electricity imported into the state  
20 [and the extraction and transmission of fossil fuels imported into the  
21 state]. Statewide emissions shall be expressed in tons of carbon dioxide  
22 equivalents.

23 § 2. Subdivision 15 of section 75-0103 of the environmental conserva-  
24 tion law, as added by chapter 106 of the laws of 2019, is amended to  
25 read as follows:

1 15. The council shall update its plan [for] toward achieving the  
2 statewide greenhouse gas emissions limits [at least once every five  
3 years] and shall make such updates available to the governor, the speak-  
4 er of the assembly and the temporary president of the senate and post  
5 such updates on its website. The first update shall occur in two thou-  
6 sand twenty-eight with subsequent updates due every six years thereaft-  
7 er.

8 § 3. Paragraphs d and e of subdivision 2 of section 75-0105 of the  
9 environmental conservation law, as added by chapter 106 of the laws of  
10 2019, are amended and a new paragraph f is added to read as follows:

11 d. information relating to emissions associated with manufacturing,  
12 chemical production, cement plants, and other processes that produce  
13 non-combustion emissions; [and]

14 e. information from sources that may be required to participate in the  
15 registration and reporting system pursuant to subdivision four of this  
16 section[.]; and

17 f. carbon dioxide emissions from biogenic sources shall be reported  
18 separately, consistent with treatment of biogenic carbon dioxide emis-  
19 sions under the methodologies of the Intergovernmental Panel on Climate  
20 Change.

21 § 4. Subdivisions 1 and 3 of section 75-0109 of the environmental  
22 conservation law, as added by chapter 106 of the laws of 2019, are  
23 amended to read as follows:

24 1. No later than [four years after the effective date of this article]  
25 December thirty-first, two thousand twenty-eight, the department, after  
26 public workshops and consultation with the council, the environmental  
27 justice advisory group, and the climate justice working group estab-  
28 lished pursuant to section 75-0111 of this article, representatives of

1 regulated entities, community organizations, environmental groups,  
2 health professionals, labor unions, municipal corporations, trade asso-  
3 ciations and other stakeholders, shall, after no less than two public  
4 hearings, promulgate, in accordance with subdivision three of this  
5 section, rules and regulations designed to: (i) achieve, to the maximum  
6 extent feasible and cost effective, a sixty percent reduction in state-  
7 wide greenhouse gas emissions from 1990 emissions by two thousand forty;  
8 and (ii) to ensure compliance with the statewide emissions reduction  
9 [limits] limit established in paragraph b of subdivision one of section  
10 75-0107 of this article, and work with other state agencies and authori-  
11 ties to promulgate regulations required by section eight of [the] chap-  
12 ter one hundred six of the laws of two thousandnineteen [that added  
13 this article].

14 3. In promulgating these regulations, the department shall:

15 a. Design and implement all regulations in a manner that seeks to be  
16 equitable, to minimize costs and to maximize the total benefits to New  
17 York, and encourages early action to reduce greenhouse gas emissions[.];

18 b. Ensure that greenhouse gas emissions reductions achieved are real,  
19 permanent, quantifiable, verifiable, and enforceable by the depart-  
20 ment[.];

21 c. Ensure that activities undertaken to comply with the regulations do  
22 not result in a net increase in co-pollutant emissions or otherwise  
23 disproportionately burden disadvantaged communities as identified pursu-  
24 ant to section 75-0111 of this article[.];

25 d. Prioritize measures to maximize net reductions of greenhouse gas  
26 emissions and co-pollutants in disadvantaged communities as identified  
27 pursuant to section 75-0111 of this article and encourage early action  
28 to reduce greenhouse gas emissions and co-pollutants[.];

1 e. Incorporate measures to minimize leakage[.]; and

2 f. Consider the following, in the course of developing a regulatory  
3 program or programs as required by this section:

4 i. the feasibility and adoption of: programs that utilize regulatory  
5 mechanisms, including a market-based economy-wide cap-and-invest program  
6 that could be linked to other jurisdictions and provide market certain-  
7 ty; clean energy supply standards; and other regulations;

8 ii. the affordability of the programs identified in subparagraph i of  
9 this paragraph for state residents, businesses and other entities,  
10 including how the pace and sequencing of the emissions reduction strate-  
11 gies affect total costs over time, and through assessing energy cost  
12 impacts across customer classes and uses, as well as the utilization of  
13 effective cost containment measures as needed;

14 iii. the importance of fostering the state's economic growth and  
15 competitiveness, including the creation and maintenance of well-paying  
16 and family-sustaining jobs;

17 iv. the economy-wide emissions reduction strategies that result in  
18 improved public health, increased quality of life, and a cleaner envi-  
19 ronment for all New Yorkers, and that any new revenue equitably supports  
20 these outcomes;

21 v. the ability to maximize available funding and other resources to  
22 support emissions reductions; and

23 vi. the development and commercialization of low and zero emission  
24 technologies to achieve the goals of programs identified in subparagraph  
25 i of this paragraph.

26 § 5. Section 75-0117 of the environmental conservation law, as added  
27 by chapter 106 of the laws of 2019, is amended to read as follows:

28 § 75-0117. Investment of funds.

1 State agencies, authorities and entities, in consultation with the  
2 environmental justice working group and the climate action council,  
3 shall, to the extent practicable, invest or direct available and rele-  
4 vant programmatic resources in a manner designed to achieve a goal for  
5 disadvantaged communities to receive [forty] forty-five percent of over-  
6 all benefits of spending on clean energy and energy efficiency programs,  
7 projects or investments in the areas of housing, workforce development,  
8 pollution reduction, low income energy assistance, energy, transporta-  
9 tion and economic development, provided however, that disadvantaged  
10 communities shall receive no less than [thirty-five] forty percent of  
11 the overall benefits of spending on clean energy and energy efficiency  
12 programs, projects or investments and provided further that this section  
13 shall not alter funds already contracted or committed as of the effec-  
14 tive date of this section.

15 § 6. Subdivision 1 of section 75-0119 of the environmental conserva-  
16 tion law, as added by chapter 106 of the laws of 2019, is amended to  
17 read as follows:

18 1. The department in consultation with the council shall, not less  
19 than every four years after the promulgation of regulations pursuant to  
20 section 75-0109 of this article, publish a report which shall include  
21 recommendations regarding the implementation of greenhouse gas reduction  
22 measures.

23 § 7. This act shall take effect immediately.

24 PART WW

25 Section 1. Sections 3, 4, 5, 6, 7, 8 and 9 of chapter 18 of the laws  
26 of 2020 authorizing the commissioner of education to appoint a monitor