

7017

2009-2010 Regular Sessions

I N   A S S E M B L Y

March 18, 2009

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Introduced by M. of A. GIANARIS, SWEENEY, LUPARDO, ENGLEBRIGHT, COLTON, ROSENTHAL, JAFFEE, LIFTON, BOYLAND, PAULIN, GALEF, KAVANAGH, BING, SCHIMEL, PERALTA, CAHILL -- Multi-Sponsored by -- M. of A. JACOBS, LATIMER, V. LOPEZ -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the state finance law, in relation to the climate change solutions fund

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 1 of section 19-0301 of the environmental  
2 conservation law is amended by adding a new paragraph g to read as  
3 follows:

4     G. PROVIDE FOR THE DEPOSIT OF REVENUES FROM THE AUCTION OF ANY EMIS-  
5 SIONS ALLOWANCES FOR AIR CONTAMINANTS TO THE CLIMATE CHANGE SOLUTIONS  
6 FUND ESTABLISHED BY SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

7     S 2. The state finance law is amended by adding a new section 92-t to  
8 read as follows:

9     S 92-T. CLIMATE CHANGE SOLUTIONS FUND. 1. THERE IS HEREBY ESTABLISHED  
10 IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE COMMISSIONER OF  
11 TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE "CLIMATE CHANGE  
12 SOLUTIONS FUND".

13     2. THE CLIMATE CHANGE SOLUTIONS FUND SHALL CONSIST OF THE PROCEEDS  
14 COLLECTED FROM THE AUCTION OF ANY EMISSIONS ALLOWANCES FOR AIR CONTAM-  
15 INANTS AS PROVIDED FOR DEPOSIT INTO SUCH FUND UNDER SECTION 19-0301 OF  
16 THE ENVIRONMENTAL CONSERVATION LAW AND ANY INTEREST GENERATED BY SUCH  
17 FUND AND ANY OTHER MONIES MADE AVAILABLE FOR SUCH PURPOSES.

18     3. ALL MONIES RECEIVED BY THE COMPTROLLER FOR DEPOSIT IN THE CLIMATE  
19 CHANGE SOLUTIONS FUND SHALL BE DEPOSITED FIRST TO THE CREDIT OF THE  
20 CLIMATE CHANGE TRANSFER ACCOUNT. NO MONIES SHALL BE EXPENDED FROM ANY  
21 SUCH ACCOUNT FOR ANY PROJECT EXCEPT PURSUANT TO APPROPRIATION BY THE  
22 LEGISLATURE.

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

1 A. ALL MONEYS HERETOFORE AND HEREAFTER DEPOSITED IN THE CLIMATE CHANGE  
2 TRANSFER ACCOUNT SHALL BE TRANSFERRED BY THE COMPTROLLER TO THE ENERGY  
3 EFFICIENCY ACCOUNT, THE RENEWABLE ENERGY DEVELOPMENT ACCOUNT, THE GREEN-  
4 HOUSE GAS EMISSION REDUCTION ACCOUNT OR THE CLEAN AIR ACCOUNT.

5 B. MONEYS FROM THE GREENHOUSE GAS EMISSION REDUCTION ACCOUNT SHALL BE  
6 AVAILABLE, PURSUANT TO APPROPRIATION, FOR ANY GREENHOUSE GAS EMISSION  
7 REDUCTION PROJECT, AS DEFINED IN SECTION 19-1307 OF THE ENVIRONMENTAL  
8 CONSERVATION LAW.

9 C. MONEYS FROM THE ENERGY EFFICIENCY ACCOUNT SHALL BE AVAILABLE,  
10 PURSUANT TO APPROPRIATION FOR ANY ENERGY EFFICIENCY PROJECT AS DEFINED  
11 IN SECTION 19-1309 OF THE ENVIRONMENTAL CONSERVATION LAW.

12 D. MONEYS FROM THE RENEWABLE ENERGY DEVELOPMENT ACCOUNT SHALL BE  
13 AVAILABLE, PURSUANT TO APPROPRIATION, FOR ANY RENEWABLE ENERGY DEVELOP-  
14 MENT PROJECT, AS DEFINED IN SECTION 19-1311 OF THE ENVIRONMENTAL CONSER-  
15 VATION LAW.

16 E. MONEYS FROM THE CLEAN AIR ACCOUNT SHALL BE AVAILABLE, PURSUANT TO  
17 APPROPRIATION, FOR ANY CLEAN AIR TECHNOLOGY PROJECT, AS DEFINED IN  
18 SECTION 19-1313 OF THE ENVIRONMENTAL CONSERVATION LAW.

19 4. MONEYS IN THE CLIMATE CHANGE SOLUTIONS FUND SHALL BE KEPT SEPARATE  
20 AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE  
21 COMPTROLLER.

22 5. ALL PAYMENTS OF MONEYS FROM THE FUND SHALL BE MADE ON THE AUDIT AND  
23 THE WARRANT OF THE COMPTROLLER.

24 S 3. This act shall take effect immediately or on the same date as a  
25 chapter of the laws of 2009, entitled "AN ACT to amend the environmental  
26 conservation law, in relation to establishing the climate change  
27 solutions program act", takes effect, whichever is later.