

6032

2009-2010 Regular Sessions

I N S E N A T E

June 21, 2009

Introduced by Sens. AUBERTINE, PARKER, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend a chapter of the laws of 2009 amending the public authorities law relating to establishing the "green jobs-green New York act of 2009"; and amending the state finance law relating to establishing the green jobs-green New York fund, as proposed in legislative bills numbers S.5888 and A.8901, and to amend the public authorities law, in relation to the green jobs-green New York fund; and to repeal certain provisions of such chapter and the state finance law relating thereto

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

1 Section 1. Section 1 of a chapter of the laws of 2009 amending the
2 public authorities law relating to establishing the "green jobs-green
3 New York act of 2009"; and amending the state finance law relating to
4 establishing the green jobs-green New York fund, as proposed in legisla-
5 tive bills numbers S.5888 and A.8901, is amended to read as follows:
6 Section 1. Legislative findings. The legislature finds and declares
7 that promoting widespread dissemination of energy conservation and clean
8 energy technologies represents a clear and cost-effective strategy for
9 communities in New York state to curtail the emission of greenhouse
10 gases and harmful air contaminants, reducing dependence on fossil fuels,
11 lowering housing costs, supporting community development and creating
12 green jobs to sustain and enhance our economy. These jobs will provide
13 meaningful employment opportunities for displaced workers, the long-term
14 unemployed and new workforce entrants. Installation of energy efficiency
15 improvements to reduce the loss or waste of energy will allow consumers
16 to pay for these improvements through energy savings over a reasonable
17 period of time. However, lack of affordable and accessible financing for
18 many owners of residential properties, small businesses and non-profit

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

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1 organizations has hindered progress in fully realizing the promise of
2 these technologies. Therefore, it is the intent of the legislature to
3 enact a "Green Jobs-Green New York" program to perform energy-efficient
4 retrofits at no initial cost to residential property owners, with the
5 ultimate goals of improving at least one million residential units over
6 the next five years, creating thousands of new green jobs, training
7 workers to fill them and demonstrating the effectiveness of innovative
8 financing mechanisms in reaching this goal.

9 IT IS THE INTENT OF THE LEGISLATURE THAT A PORTION OF THE PROCEEDS
10 COLLECTED BY THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORI-
11 TY FROM THE AUCTION OR SALE OF EMISSION ALLOWANCES ALLOCATED BY THE
12 DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE AUTHORITY BE USED TO
13 HELP FULFILL THESE GOALS.

14 S 2. Sections 4 and 5 of a chapter of the laws of 2009 amending the
15 public authorities law relating to establishing the "green jobs-green
16 New York act of 2009"; and amending the state finance law relating to
17 establishing the green jobs-green New York fund, as proposed in legisla-
18 tive bills numbers S.5888 and A.8901, are REPEALED and three new
19 sections 4, 5 and 6 are added to read as follows:

20 S 4. SECTION 1854 OF THE PUBLIC AUTHORITIES LAW IS AMENDED BY ADDING A
21 NEW SUBDIVISION 18 TO READ AS FOLLOWS:

22 18. TO PROVIDE FOR THE DEPOSIT OF ALL OR A PORTION OF THE PROCEEDS
23 COLLECTED BY THE AUTHORITY FROM THE AUCTION OR SALE OF EMISSION ALLOW-
24 ANCES ALLOCATED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION TO THE
25 AUTHORITY PURSUANT TO REGULATIONS ADOPTED BY THE DEPARTMENT OF ENVIRON-
26 MENTAL CONSERVATION TO A GREEN JOBS-GREEN NEW YORK FUND TO BE ESTAB-
27 LISHED IN THE CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE. THE
28 MONIES IN SUCH FUND SHALL BE AVAILABLE FOR THE GREEN JOBS-GREEN NEW YORK
29 PROGRAM PURSUANT TO TITLE NINE-A OF ARTICLE EIGHT OF THIS CHAPTER.

30 S 5. THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
31 SHALL DEPOSIT ONE HUNDRED TWELVE MILLION DOLLARS (\$112,000,000) OF THE
32 PROCEEDS COLLECTED FROM THE AUCTION OR SALE OF CARBON DIOXIDE ALLOWANCES
33 THAT ARE ALLOCATED BY THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION
34 PURSUANT TO REGULATIONS ADOPTED BY THE DEPARTMENT OF ENVIRONMENTAL
35 CONSERVATION TO THE GREEN JOBS-GREEN NEW YORK FUND ESTABLISHED PURSUANT
36 TO SECTION EIGHTEEN HUNDRED FIFTY-FOUR OF THE PUBLIC AUTHORITIES LAW.

37 S 6. SEVERABILITY. THE PROVISIONS OF THIS ACT SHALL BE SEVERABLE AND
38 IF ANY PHRASE, CLAUSE, SENTENCE OR PROVISION OF THIS ACT, OR THE APPLI-
39 CABILITY THEREOF TO ANY PERSON OR CIRCUMSTANCE SHALL BE HELD INVALID,
40 THE REMAINDER OF THIS ACT AND THE APPLICATION THEREOF SHALL NOT BE
41 AFFECTED THEREBY.

42 S 3. Section 6 of a chapter of the laws of 2009 amending the public
43 authorities law relating to establishing the "green jobs-green New York
44 act of 2009"; and amending the state finance law relating to establish-
45 ing the green jobs-green New York fund, as proposed in legislative bills
46 numbers S.5888 and A.8901, is renumbered section 7.

47 S 4. This act shall take effect on the same date and in the same
48 manner as a chapter of the laws of 2009 amending the public authorities
49 law relating to establishing the "green jobs-green New York act of
50 2009"; and amending the state finance law relating to establishing the
51 green jobs-green New York fund, as proposed in legislative bills numbers
52 S.5888 and A.8901, takes effect.