

5121

2011-2012 Regular Sessions

I N S E N A T E

May 3, 2011

Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to establishing the New York state tax on the dry cask storage fund and to direct certain nuclear generating facilities to transfer certain monies in exchange for the storage of dry casks containing spent fuel

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "nuclear storage safety fund".
3 S 2. Any nuclear facility in New York state in an emergency planning
4 zone with a population exceeding two hundred thousand must transfer to
5 the New York state tax on the dry cask storage fund, as established
6 pursuant to section three of this act, \$750,000 each year for each dry
7 cask containing spent fuel that is located at the independent spent fuel
8 storage installation at such nuclear generating facility, annually for
9 as long as such storage container remains on site. The public service
10 commission has the authority to order a nuclear storage tax increase.
11 The fund transfer shall be made if nuclear waste is stored in a dry cask
12 at the independent spent-fuel storage facility at such nuclear generat-
13 ing facility for any part of a year. Funds in the account may be
14 expended for development of renewable energy sources specified in
15 section 99-u of the state finance law, as established pursuant to
16 section three of this act; including, but not limited to, reimbursement
17 to counties in the emergency planning zone for emergency costs; develop-
18 ment of renewable energy for schools and municipal purposes; and twenty
19 percent for the energy assistance program funds statewide, with a prior-
20 ity for schools and municipal projects.
21 S 3. The state finance law is amended by adding a new section 99-u to
22 read as follows:

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

LBD03985-03-1

1 S 99-U. NEW YORK STATE TAX ON THE DRY CASK STORAGE FUND. 1. THERE IS
2 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
3 COMMISSIONER OF TAXATION AND FINANCE A SPECIAL REVENUE FUND TO BE KNOWN
4 AS THE "NEW YORK STATE TAX ON THE DRY CASK STORAGE FUND".
5 2. THE FUND SHALL CONSIST OF ALL MONIES APPROPRIATED FOR ITS PURPOSE,
6 ALL MONIES REQUIRED BY THIS SECTION OR ANY OTHER PROVISIONS OF LAW TO
7 BE PAID INTO OR CREDITED TO SUCH FUND. NOTHING CONTAINED HEREIN SHALL
8 PREVENT THE DEPARTMENT OF TAXATION AND FINANCE FROM RECEIVING GRANTS,
9 GIFTS OR BEQUESTS FOR THE PURPOSES OF THE FUND AS DEFINED IN THIS
10 SECTION AND DEPOSITING THEM INTO THE FUND ACCORDING TO LAW.
11 3. MONEY SHALL BE PAYABLE FROM THE FUND ON THE AUDIT AND WARRANT OF
12 THE STATE COMPTROLLER ON VOUCHERS APPROVED AND CERTIFIED BY THE COMMIS-
13 SIONER OF TAXATION AND FINANCE.
14 S 4. This act shall take effect on the one hundred eightieth day after
15 it shall have become a law. Effective immediately, the addition, amend-
16 ment and/or repeal of any rule or regulation necessary for the implemen-
17 tation of this act on its effective date are authorized and directed to
18 be made and completed on or before such effective date.