

S T A T E O F N E W Y O R K

896

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to establishing the climate change solutions program act; and to amend the state finance law, in relation to establishing 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. Article 19 of the environmental conservation law is
2 amended by adding a new title 13 to read as follows:

TITLE 13

CLIMATE CHANGE SOLUTIONS PROGRAM ACT

5 SECTION 19-1301. SHORT TITLE.
6 19-1303. DEFINITIONS.
7 19-1305. POWERS AND DUTIES OF THE COMMISSIONER.
8 19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.
9 19-1309. ENERGY EFFICIENCY PROGRAM.
10 19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.
11 19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

12 S 19-1301. SHORT TITLE.
13 THIS TITLE SHALL BE KNOWN AND MAY BE CITED AS THE CLIMATE CHANGE
14 SOLUTIONS PROGRAM ACT.

15 S 19-1303. DEFINITIONS.
16 AS USED IN THIS TITLE:

17 1. "AUTHORITY" SHALL MEAN THE STATE ENERGY RESEARCH AND DEVELOPMENT
18 AUTHORITY, CONTINUED BY SECTION EIGHTEEN HUNDRED FIFTY-TWO OF THE PUBLIC
19 AUTHORITIES LAW.

20 2. "MUNICIPALITY" MEANS A COUNTY, CITY, TOWN, VILLAGE, SCHOOL
21 DISTRICT, OR INDIAN TRIBE OR NATION RESIDING WITHIN NEW YORK STATE, OR
22 ANY COMBINATION THEREOF.

23 3. "NOT-FOR-PROFIT CORPORATION" MEANS A CORPORATION FORMED PURSUANT TO
24 THE NOT-FOR-PROFIT CORPORATION LAW AND QUALIFIED FOR TAX-EXEMPT STATUS
25 UNDER THE FEDERAL INTERNAL REVENUE CODE.

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

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1 4. "STATE ASSISTANCE PAYMENT" MEANS PAYMENT OF MONIES BY THE STATE FOR
2 PROJECTS AUTHORIZED BY THE CLIMATE CHANGE SOLUTIONS FUND PURSUANT TO
3 SECTION NINETY-TWO-T OF THE STATE FINANCE LAW.

4 S 19-1305. POWERS AND DUTIES OF THE COMMISSIONER.

5 IN ADMINISTERING THE PROVISIONS OF THIS TITLE, THE COMMISSIONER:

6 1. SHALL MAKE AN ITEMIZED ESTIMATE OF FUNDS OR APPROPRIATIONS
7 REQUESTED ANNUALLY FOR INCLUSION IN THE EXECUTIVE BUDGET;

8 2. MAY, IN THE NAME OF THE STATE, AS FURTHER PROVIDED WITHIN THIS
9 TITLE, CONTRACT TO MAKE, WITHIN THE LIMITATIONS OF APPROPRIATIONS AVAIL-
10 ABLE THEREFOR, STATE ASSISTANCE PAYMENTS TO MUNICIPALITIES AND NOT-FOR-
11 PROFIT CORPORATIONS TOWARD THE COST OF ELIGIBLE ACTIVITIES PURSUANT TO
12 THIS TITLE. SUCH CONTRACTS SHALL BE SUBJECT TO APPROVAL BY THE STATE
13 COMPTROLLER AND, AS TO FORM, BY THE ATTORNEY GENERAL;

14 3. SHALL APPROVE VOUCHERS FOR THE PAYMENTS PURSUANT TO APPROVED
15 CONTRACTS. ALL SUCH PAYMENTS SHALL BE PAID ON THE AUDIT AND WARRANT OF
16 THE STATE COMPTROLLER;

17 4. NO LATER THAN THIRTY DAYS AFTER THE END OF EACH CALENDAR YEAR, THE
18 COMMISSIONER SHALL REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF
19 THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE FINANCE
20 COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE ON THE
21 IMPLEMENTATION OF THE CLIMATE CHANGE SOLUTIONS PROGRAM AND SHALL MAKE
22 SUCH REPORT AVAILABLE ON THE DEPARTMENT'S WEBSITE. THE DEPARTMENT MAY
23 CONSULT OTHER STATE DEPARTMENTS, AGENCIES AND PUBLIC AUTHORITIES FOR
24 INFORMATION AS MAY BE REQUIRED IN THE PREPARATION OF SUCH REPORT AND
25 SUCH STATE DEPARTMENTS AND AGENCIES AND AUTHORITIES SHALL PROVIDE DATA
26 AND ASSISTANCE AS APPROPRIATE. SUCH REPORT SHALL INCLUDE:

27 A. AN ASSESSMENT OF THE EFFECTIVENESS OF THE PROGRAM, INCLUDING THE
28 ESTIMATED GREENHOUSE GAS REDUCTION RESULTING FROM THE ACTIVITIES
29 DESCRIBED IN THIS TITLE, THE ESTIMATED IMPACT ON CONSUMER ELECTRIC AND
30 HEATING BILLS, AND THE PROGRAM'S OVERALL IMPACT ON ENERGY DEMAND;

31 B. A DETAILED LISTING OF FUND RECEIPTS INCLUDING:

- 32 (I) ALLOWANCE TRADING PRICES,
33 (II) TOTAL QUARTERLY RECEIPTS,
34 (III) TOTAL ANNUAL RECEIPTS, AND
35 (IV) TOTAL LIFE-TO-DATE RECEIPTS;

36 C. A DETAILED DESCRIPTION OF EXPENDITURES INCLUDING:

- 37 (I) TOTAL APPROPRIATIONS,
38 (II) TOTAL PROJECT COSTS,
39 (III) TOTAL COMMITMENTS,
40 (IV) TOTAL OUTSTANDING ENCUMBRANCES,
41 (V) TOTAL YEAR-TO-DATE DISBURSEMENTS,
42 (VI) TOTAL LIFE-TO-DATE DISBURSEMENTS, AND
43 (VII) THE TOTAL REMAINING UNCOMMITTED FUND BALANCE; AND

44 5. MAY PERFORM SUCH OTHER AND FURTHER ACTS AS MAY BE NECESSARY, PROPER
45 OR DESIRABLE TO CARRY OUT THE PROVISIONS OF THIS TITLE.

46 S 19-1307. GREENHOUSE GAS EMISSIONS REDUCTION PROGRAM.

47 1. AS USED IN THIS SECTION:

48 A. "CLEAN-FUELED VEHICLE" SHALL MEAN ANY MOTOR VEHICLE AS DEFINED IN
49 SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW, THAT
50 USES ELECTRICITY, INCLUDING ELECTRICITY EITHER STORED OR GENERATED
51 ON-BOARD, AS ITS PRIMARY MOTIVE FORCE, OR THAT IS FUELED BY NATURAL GAS,
52 PROPANE, OR HYDROGEN.

53 B. "COSTS" MEAN THE CAPITAL COST OF A GREENHOUSE GAS EMISSIONS
54 REDUCTION PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITEC-
55 TURAL SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL
56 SERVICES.

1 C. "GREENHOUSE GAS EMISSION REDUCTION PROJECTS" MEAN THE PURCHASE AND
2 INSTALLATION OF GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES.

3 D. "GREENHOUSE GAS EMISSION REDUCTION TECHNOLOGIES" SHALL INCLUDE BUT
4 NOT BE LIMITED TO:

5 (I) COGENERATION TECHNOLOGIES, WHICH SHALL MEAN ANY ONE OF THE SEVERAL
6 TECHNOLOGIES WHEREIN WASTE HEAT FROM ON-SITE ELECTRIC GENERATION PROCESS
7 IS RECOVERED TO PROVIDE STEAM OR HOT WATER TO MEET ON-SITE NEEDS, SUCH
8 AS HEATING AND/OR AIR CONDITIONING AND WHICH ATTAINS OVERALL SYSTEM
9 EFFICIENCY AS ESTABLISHED BY THE DEPARTMENT, CONSIDERING BOTH THERMAL
10 AND ELECTRICAL PROCESSES TOGETHER;

11 (II) FURNACE AND BOILER REPLACEMENTS AND RETROFITS, PROVIDED THAT NEW
12 OR RETROFITTED FURNACES AND BOILERS SHALL NOT AT ANY TIME OPERATE ON
13 DIESEL FUEL WITH A SULFUR CONTENT GREATER THAN 0.05 PERCENT BY WEIGHT;

14 (III) THE PURCHASE OF CLEAN FUELED VEHICLES OR THE CONVERSION OF
15 EXISTING VEHICLES TO CLEAN FUELED VEHICLES; AND

16 (IV) OTHER MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE
17 CONSUMPTION OF ENERGY, INCLUDING FUELS, AS DETERMINED BY THE DEPARTMENT
18 IN CONSULTATION WITH THE AUTHORITY.

19 2. THE DEPARTMENT IS AUTHORIZED, WITHIN AMOUNTS APPROPRIATED, TO MAKE
20 STATE ASSISTANCE PAYMENTS ON A COMPETITIVE BASIS FOR APPROVED GREENHOUSE
21 GAS EMISSIONS REDUCTION PROJECTS TO MUNICIPALITIES AND NOT-FOR-PROFIT
22 CORPORATIONS.

23 3. ANY MUNICIPALITY OR NOT-FOR-PROFIT CORPORATION UPON APPROVAL OF ITS
24 GOVERNING BODY MAY SUBMIT AN APPLICATION TO THE DEPARTMENT IN SUCH FORM
25 CONTAINING SUCH INFORMATION AS THE DEPARTMENT MAY REQUIRE FOR STATE
26 ASSISTANCE PAYMENTS FOR THE COSTS OF GREENHOUSE GAS EMISSION REDUCTION
27 PROJECTS.

28 4. TO THE FULLEST EXTENT PRACTICABLE, IT IS THE POLICY OF THE STATE TO
29 PROMOTE AN EQUITABLE REGIONAL DISTRIBUTION OF GREENHOUSE GAS REDUCTION
30 PROJECTS, PROVIDED THAT PRIORITY SHALL BE GIVEN TO PROJECTS THAT RESULT
31 IN THE HIGHEST GREENHOUSE GAS EMISSION REDUCTIONS.

32 5. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF
33 THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION
34 ANY OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR
35 THE LOCAL SHARE. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE
36 COMMISSIONER UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE
37 MAXIMUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

38 6. THE DEPARTMENT SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE,
39 DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE
40 LAW.

41 S 19-1309. ENERGY EFFICIENCY PROGRAM.

42 1. AS USED IN THIS SECTION:

43 A. "COST" SHALL MEAN THE CAPITAL COST OF AN ENERGY EFFICIENCY PROJECT
44 INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL SERVICES,
45 PLANS AND SPECIFICATIONS, CONSULTANT AND LEGAL SERVICES.

46 B. "ENERGY EFFICIENCY PROJECTS" SHALL MEAN THE PURCHASE AND INSTALLA-
47 TION OF ENERGY EFFICIENCY TECHNOLOGIES THAT WILL REDUCE THE CONSUMPTION
48 OF ELECTRICITY AT NEW OR EXISTING BUILDINGS.

49 C. "ENERGY EFFICIENCY TECHNOLOGIES" SHALL MEAN TECHNOLOGIES THAT
50 REDUCE THE CONSUMPTION OF ELECTRICITY INCLUDING BUT NOT LIMITED TO:

51 (I) REPLACEMENT OF INEFFICIENT LIGHTING FIXTURES;

52 (II) APPLIANCES AND EQUIPMENT THAT MEET ENERGY EFFICIENCY PERFORMANCE
53 STANDARDS AS IDENTIFIED IN ARTICLE 16 OF THE ENERGY LAW; AND

54 (III) OTHER SUCH MEASURES THAT WILL REDUCE THE DEMAND FOR AND/OR THE
55 CONSUMPTION OF ELECTRICITY AS DETERMINED BY THE AUTHORITY.

1 D. "FINANCIAL ASSISTANCE" MEANS STATE ASSISTANCE PAYMENTS, LOANS,
2 INTEREST SUBSIDIES, ZERO PERCENT INTEREST LOANS, AND/OR ENERGY PERFORM-
3 ANCE CONTRACTS, AS DEFINED IN SUBDIVISION FOUR OF SECTION 9-102 OF THE
4 ENERGY LAW.

5 2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED
6 WITHIN AMOUNTS APPROPRIATED, TO PROVIDE FINANCIAL ASSISTANCE ON A
7 COMPETITIVE BASIS FOR APPROVED ENERGY EFFICIENCY PROJECTS.

8 3. ANY NEW YORK ELECTRIC UTILITY CUSTOMER MAY SUBMIT AN APPLICATION TO
9 THE AUTHORITY FOR THE COST OF ENERGY EFFICIENCY PROJECTS IN SUCH FORM
10 CONTAINING SUCH INFORMATION AS THE AUTHORITY MAY REQUIRE.

11 4. PRIORITY SHALL BE GIVEN TO PROJECTS THAT:

12 A. ESTIMATE THE HIGHEST AMOUNT OF ENERGY SAVINGS AS MEASURED AGAINST A
13 THREE YEAR BASELINE; OR

14 B. ARE CONDUCTED IN (I) AREAS WITH CENSUS TRACTS AND BLOCK NUMBERING
15 AREAS WHICH, AS OF THE TWO THOUSAND CENSUS HAVE A POVERTY RATE OF AT
16 LEAST TWENTY PERCENT FOR THE YEAR TO WHICH THE DATA RELATE OR (II) AREAS
17 WITH AN UNEMPLOYMENT RATE OF AT LEAST ONE AND ONE-QUARTER TIMES THE
18 STATEWIDE UNEMPLOYMENT RATE FOR THE YEAR TO WHICH THE DATA RELATE.

19 THE AUTHORITY SHALL ESTABLISH ADDITIONAL INCOME AND OTHER ELIGIBILITY
20 CRITERIA TO PROMOTE AN EQUITABLE DISTRIBUTION OF ENERGY EFFICIENCY
21 PROJECTS THROUGHOUT THE STATE. SUCH CRITERIA SHALL SEEK TO ENSURE THAT
22 PROJECTS ARE CONDUCTED IN LOW-INCOME COMMUNITIES THROUGHOUT THE STATE
23 AND THAT LOW AND MIDDLE CLASS RESIDENTIAL CUSTOMERS RECEIVE ACCESS TO
24 SUCH PROJECT FUNDING.

25 5. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED SEVENTY-FIVE PERCENT OF
26 THE COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION
27 ANY OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR
28 THE LOCAL SHARE. OTHER FINANCIAL ASSISTANCE SHALL NOT EXCEED LIMITS
29 ESTABLISHED IN RULES AND REGULATIONS DEVELOPED BY THE AUTHORITY AND
30 SUBJECT TO THE APPROVAL OF THE DEPARTMENT.

31 6. PRIOR TO PROCESSING APPLICATIONS FOR FINANCIAL ASSISTANCE TOWARD
32 THE COST OF ENERGY EFFICIENCY PROJECTS, THE PRESIDENT OF THE AUTHORITY
33 SHALL PROMULGATE, IN CONSULTATION WITH THE COMMISSIONER, RULES AND REGU-
34 LATIONS WHICH SHALL INCLUDE CRITERIA FOR DETERMINING ELIGIBLE EXPENDI-
35 TURES AND PROCEDURES FOR GOVERNING THE COMMITMENT AND DISBURSEMENT OF
36 FINANCIAL ASSISTANCE IN ACCORDANCE WITH THIS SECTION.

37 7. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE
38 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-
39 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

40 8. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE,
41 DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE
42 LAW.

43 S 19-1311. RENEWABLE ENERGY DEVELOPMENT PROGRAM.

44 1. AS USED IN THIS SECTION:

45 A. "COST" SHALL MEAN THE CAPITAL COST OF A RENEWABLE ENERGY DEVELOP-
46 MENT PROJECT INCLUDING BUT NOT LIMITED TO ENGINEERING AND ARCHITECTURAL
47 SERVICES, SURVEYS, PLANS AND SPECIFICATIONS; CONSULTANT AND LEGAL
48 SERVICES.

49 B. "FINANCIAL ASSISTANCE" SHALL MEAN STATE ASSISTANCE PAYMENTS AND/OR
50 PERFORMANCE BASED INCENTIVES THAT ARE DIRECTLY PROPORTIONAL TO REAL,
51 VERIFIED KWH PRODUCTION GENERATED BY THE RENEWABLE ELECTRIC POWER TECH-
52 NOLOGY.

53 C. "RENEWABLE ENERGY DEVELOPMENT PROJECTS" MEAN THE PURCHASE AND
54 INSTALLATION OF TECHNOLOGIES DESIGNED TO CONVERT RENEWABLE ENERGY INTO
55 ELECTRICITY OR OTHER END USES, WHERE RENEWABLE ENERGY INCLUDES SOLAR,
56 WIND, TIDAL, FUEL CELL, GEOTHERMAL AND HYDROGEN, BUT DOES NOT INCLUDE

1 COMBUSTION OR PYROLOSIS OF SOLID WASTE AS DEFINED IN SECTION 27-0701 OF
2 THIS CHAPTER OR ELECTRICITY GENERATED FROM NUCLEAR POWER PLANTS.

3 2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED,
4 WITHIN AMOUNTS APPROPRIATED, TO PROVIDE FINANCIAL ASSISTANCE ON A
5 COMPETITIVE BASIS FOR APPROVED RENEWABLE ENERGY DEVELOPMENT PROJECTS.

6 3. ANY NEW YORK ELECTRIC UTILITY CUSTOMER MAY SUBMIT AN APPLICATION TO
7 THE AUTHORITY FOR THE COST OF RENEWABLE ENERGY DEVELOPMENT PROJECTS OR
8 PERFORMANCE BASED INCENTIVES IN SUCH FORM CONTAINING SUCH INFORMATION AS
9 THE AUTHORITY MAY REQUIRE.

10 4. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE
11 COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY
12 OTHER MONIES OF THE AUTHORITY OR THE DEPARTMENT MAY NOT BE USED FOR THE
13 LOCAL SHARE. OTHER FINANCIAL ASSISTANCE SHALL NOT EXCEED LIMITS ESTAB-
14 LISHED IN RULES AND REGULATIONS DEVELOPED BY THE AUTHORITY AND SUBJECT
15 TO THE APPROVAL OF THE DEPARTMENT.

16 5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE
17 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-
18 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

19 6. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE,
20 DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE
21 LAW.

22 S 19-1313. CLEAN AIR TECHNOLOGY PROGRAM.

23 1. AS USED IN THIS SECTION:

24 A. "BEST AVAILABLE CONTROL TECHNOLOGIES" SHALL MEAN A VERIFIED DIESEL
25 EMISSION CONTROL DEVICE THAT ACHIEVES A PARTICULATE MATTER (PM) EMISSION
26 REDUCTION OF EIGHTY-FIVE PERCENT OR MORE FROM UNCONTROLLED ENGINE EMIS-
27 SION LEVELS, OR THAT REDUCES EMISSIONS TO LESS THAN OR EQUAL TO 0.01
28 GRAMS OF PM PER BRAKE HORSEPOWER-HOUR. BEST AVAILABLE CONTROL ALSO
29 INCLUDES REPOWERING OR REPLACING THE EXISTING DIESEL ENGINE WITH AN
30 ENGINE MEETING USEPA'S 2007 HEAVY-DUTY HIGHWAY DIESEL STANDARDS, OR IN
31 THE CASE OF A NON-ROAD ENGINE, AN ENGINE MEETING THE USEPA'S TIER 4
32 NON-ROAD DIESEL STANDARDS; BEST AVAILABLE CONTROL ALSO INCLUDES NEW
33 DIESEL ENGINES MEETING SAID EMISSIONS STANDARDS.

34 B. "CARB" MEANS THE CALIFORNIA AIR RESOURCES BOARD.

35 C. "CLEAN AIR TECHNOLOGY PROJECTS" SHALL MEAN PROJECTS TO PURCHASE AND
36 INSTALL BEST AVAILABLE CONTROL TECHNOLOGIES, PROVIDED THAT THE AUTHORITY
37 SHALL ALSO REQUIRE THE APPLICANT TO INSTALL A CLOSED CRANKCASE VENTI-
38 LATION SYSTEM ON ALL ENGINES.

39 D. "CLOSED CRANKCASE VENTILATION SYSTEM" OR "CCV" SHALL MEAN EQUIPMENT
40 THAT COMPLETELY CLOSES THE CRANKCASE OF A DIESEL ENGINE TO THE ATMOS-
41 PHERE AND ROUTES THE CRANKCASE VAPOR TO THE ENGINE INTAKE AIR SYSTEM OR
42 THE EXHAUST SYSTEM.

43 E. "USEPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

44 F. "VERIFIED DIESEL EMISSION CONTROL DEVICE" MEANS AN EMISSION CONTROL
45 DEVICE OR STRATEGY THAT HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL
46 PM REDUCTION BY USEPA OR CARB; OR REPLACEMENT OR REPOWERING WITH AN
47 ENGINE THAT IS CERTIFIED TO SPECIFIC PM EMISSIONS PERFORMANCE BY USEPA
48 OR CARB.

49 2. THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT IS AUTHORIZED,
50 WITHIN AMOUNTS APPROPRIATED, TO MAKE STATE ASSISTANCE PAYMENTS ON A
51 COMPETITIVE BASIS TO APPROVED CLEAN AIR TECHNOLOGY PROJECTS.

52 3. ANY MUNICIPALITY UPON APPROVAL OF ITS GOVERNING BODY MAY SUBMIT AN
53 APPLICATION TO THE DEPARTMENT IN SUCH FORM CONTAINING SUCH INFORMATION
54 AS THE DEPARTMENT MAY REQUIRE FOR STATE ASSISTANCE PAYMENTS FOR THE
55 COSTS OF CLEAN AIR TECHNOLOGY PROJECTS.

1 4. STATE ASSISTANCE PAYMENTS SHALL NOT EXCEED NINETY PERCENT OF THE
2 COSTS OF THE PROJECT, PROVIDED THAT FOR THE PURPOSES OF THIS SECTION ANY
3 OTHER MONIES OF THE AUTHORITY MAY NOT BE USED FOR THE LOCAL SHARE.

4 5. SUCH COSTS ARE SUBJECT TO FINAL COMPUTATION BY THE PRESIDENT OF THE
5 AUTHORITY UPON COMPLETION OF THE PROJECT AND SHALL NOT EXCEED THE MAXI-
6 MUM ELIGIBLE COST SET FORTH IN THE CONTRACT.

7 6. THE AUTHORITY SHALL REVIEW SUCH APPLICATIONS AND MAY APPROVE,
8 DISAPPROVE OR RECOMMEND MODIFICATIONS THERETO CONSISTENT WITH APPLICABLE
9 LAW.

10 S 2. Subdivision 1 of section 19-0301 of the environmental conserva-
11 tion law is amended by adding a new paragraph g to read as follows:

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

15 S 3. The state finance law is amended by adding a new section 92-t to
16 read as follows:

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

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

26 3. ALL MONIES RECEIVED BY THE COMPTROLLER FOR DEPOSIT IN THE CLIMATE
27 CHANGE SOLUTIONS FUND SHALL BE DEPOSITED FIRST TO THE CREDIT OF THE
28 CLIMATE CHANGE TRANSFER ACCOUNT. NO MONIES SHALL BE EXPENDED FROM ANY
29 SUCH ACCOUNT FOR ANY PROJECT EXCEPT PURSUANT TO APPROPRIATION BY THE
30 LEGISLATURE.

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

35 B. MONEYS FROM THE GREENHOUSE GAS EMISSION REDUCTION ACCOUNT SHALL BE
36 AVAILABLE, PURSUANT TO APPROPRIATION, FOR ANY GREENHOUSE GAS EMISSION
37 REDUCTION PROJECT, AS DEFINED IN SECTION 19-1307 OF THE ENVIRONMENTAL
38 CONSERVATION LAW.

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

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

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

49 4. MONEYS IN THE CLIMATE CHANGE SOLUTIONS FUND SHALL BE KEPT SEPARATE
50 AND SHALL NOT BE COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE
51 COMPTROLLER.

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

54 S 4. This act shall take effect immediately.