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

6185

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public authorities law, in relation to certain programs of the New York state energy research and development authority

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

Section 1. Legislative intent. The legislature hereby finds and declares that it is in the best interests of the state of New York to pursue policies that will improve air quality, reduce pollution and further the economic well-being of all of our citizens. The Carbon Dioxide Allowance Auction Program as described in Part 507 of Title 21 of the New York Codes, Rules and Regulations and the Carbon Dioxide Budget Trading Program as described in Part 242 of Title 6 of the New York Codes, Rules and Regulations are two non-legislative programs that have been adopted by state agencies and state authorities in furtherance of the above stated policy goal. These programs collect money for the sale of carbon allowances and use that revenue to fund energy efficiency programs and other programs with the laudable goal of reducing greenhouse gas emissions.

The legislature further declares that areas of the state that host coal plants or older natural gas or oil fired plants are most negatively impacted economically by the costs associated with the above referenced programs, which can threaten the continued operation of these plants and therefore the jobs and tax base that they represent. Even though these plants contribute the most revenue to the above referenced programs and any negative impacts on air quality would, as a result, be felt most acutely by those communities, there is currently no requirement that these programs invest any fixed percentage of their monies in those areas.

Therefore, the legislature finds that it is necessary to require minimum levels of investment of revenues derived from the Carbon Dioxide

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

Allowance Auction Program and the Carbon Dioxide Budget Trading Program in communities that host carbon intensive electric generating facilities. Such a policy would allow the state to continue to pursue its goals of reducing emissions and pollution, while still demonstrating support for the development of a clean energy economy in those communities most impacted by the costs associated with the Carbon Dioxide Allowance Auction Program and the Carbon Dioxide Budget Trading Program.

S 2. The public authorities law is amended by adding a new section 1882 to read as follows:

S 1882. DISBURSEMENT OF FUNDS DERIVED FROM CERTAIN PROGRAMS. 1. NOTWITHSTANDING ANY RULE, REGULATION, POLICY OR ORDER TO THE CONTRARY:

(A) THE AUTHORITY SHALL, WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, ESTABLISH A PROGRAM TO TRACK THE PURCHASE OF CARBON ALLOWANCES IN THE AUCTION OR AUCTIONS ESTABLISHED UNDER THE CARBON DIOXIDE ALLOWANCE AUCTION PROGRAM AS DESCRIBED IN PART 507 OF TITLE 21 OF THE NEW YORK CODES, RULES AND REGULATIONS AND/OR THE CARBON DIOXIDE BUDGET TRADING PROGRAM AS DESCRIBED IN PART 242 OF TITLE 6 OF THE NEW YORK CODES, RULES AND REGULATIONS, WITH THE GOAL OF IDENTIFYING ELECTRIC GENERATING FACILITIES THAT PURCHASE SUCH ALLOWANCES, THE LOCATION OF SUCH ELECTRIC GENERATING FACILITIES, AND THE VALUE OF THOSE PURCHASES. THE AUTHORITY MAY IN ITS DISCRETION, CONSULT WITH THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE PUBLIC SERVICE COMMISSION, AND THE BULK SYSTEM OPERATOR FOR THE STATE OF NEW YORK, AND MAY CONTACT ELECTRIC GENERATING FACILITIES WITHIN THE STATE TO REQUEST SUCH INFORMATION AS THEY ARE WILLING TO PROVIDE.

(B) THE AUTHORITY SHALL, COMMENCING WITH CALENDAR YEAR TWO THOUSAND FOURTEEN, DETERMINE THE TOTAL AMOUNT OF REVENUE COLLECTED IN EACH COUNTY EACH YEAR AS A RESULT OF THE PURCHASE OF CARBON ALLOWANCES BY ELECTRIC GENERATING FACILITIES LOCATED WITHIN EACH COUNTY IN CONNECTION WITH THE CARBON DIOXIDE ALLOWANCE AUCTION PROGRAM AND/OR THE CARBON DIOXIDE BUDGET TRADING PROGRAM. BEGINNING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION, THE AUTHORITY IS DIRECTED TO SPEND NO LESS THAN FIFTY PERCENT OF THE TOTAL AMOUNT OF REVENUE COLLECTED IN EACH COUNTY ON PROJECTS OR PROGRAMS LOCATED WITHIN SUCH COUNTY. SUCH EXPENDITURES MUST BE CONSISTENT WITH THE RULES, REGULATIONS AND LIMITATIONS ESTABLISHED BY THE AUTHORITY WITH RESPECT TO SUCH EXPENDITURES AND MAY BE EFFECTUATED THROUGH ANY EXISTING PROGRAM, OR THROUGH NEW PROGRAMS, PROVIDED THAT THE GOAL OF SUCH PROGRAM OR PROGRAMS IS CARBON DIOXIDE ABATEMENT.

(C) IF SUCH CARBON ALLOWANCES ARE PURCHASED IN AN AUCTION UNDER THE CARBON DIOXIDE ALLOWANCE AUCTION PROGRAM AND/OR THE CARBON DIOXIDE BUDGET TRADING PROGRAM BY A MUNICIPAL ELECTRIC CORPORATION, RURAL COOPERATIVE OR OTHER PUBLIC POWER ENTITY THAT OWNS AND OPERATES ITS OWN ELECTRIC GENERATING FACILITIES AND IS SUBJECT TO THE CARBON DIOXIDE ALLOWANCE AUCTION PROGRAM AND/OR CARBON DIOXIDE BUDGET TRADING PROGRAM, THEN SUCH CORPORATION OR RURAL COOPERATIVE OR OTHER PUBLIC POWER ENTITY MAY RETAIN UP TO FIFTY PERCENT OF THE REVENUE THAT IT WOULD OTHERWISE USE TO PURCHASE ALLOWANCES IN ORDER TO IMPLEMENT ITS OWN LOCALLY BASED CARBON DIOXIDE ABATEMENT PROGRAMS. SUCH PROGRAMS MUST BE SUBMITTED TO THE AUTHORITY IN WRITING WITHIN SIX MONTHS OF THE EFFECTIVE DATE OF THIS SECTION AND SHALL ONLY BE IMPLEMENTED AFTER SUCH PROGRAM HAS BEEN APPROVED BY THE AUTHORITY. ANY PROGRAM SUBMITTED FOR APPROVAL MUST SATISFY THE RULES AND REQUIREMENTS ESTABLISHED BY THE AUTHORITY FOR THE PROGRAMS THAT THE AUTHORITY ADMINISTERS THAT ARE FUNDED THROUGH PROCEEDS COLLECTED THROUGH THE CARBON DIOXIDE ALLOWANCE AUCTION PROGRAM AND/OR THE CARBON DIOXIDE BUDGET TRADING PROGRAM. FURTHER, THE AUTHORITY SHALL

REQUIRE AUDITS OF SUCH PROGRAMS INITIATED FROM TIME TO TIME AND AT ITS DISCRETION IN ORDER TO ENSURE COMPLIANCE.

2. THE AUTHORITY IS AUTHORIZED TO PROMULGATE OTHER RULES AND REGULATIONS AS IT DEEMS NECESSARY AND PROPER TO IMPLEMENT THE PROVISIONS OF THIS SECTION, PROVIDED THAT SUCH RULES AND REGULATIONS ARE ADOPTED IN A MANNER CONSISTENT WITH THE TIMELINE NECESSARY FOR THE FULL IMPLEMENTATION OF THIS SECTION, AND ARE CONSISTENT WITH THE LEGISLATIVE INTENT OF THE CHAPTER OF THE LAWS OF TWO THOUSAND FOURTEEN WHICH ADDED THIS SECTION.

S 3. This act shall take effect immediately.