

4075--A

2015-2016 Regular Sessions

I N S E N A T E

February 26, 2015

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to the use of monies from certain funds or accounts

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

1 Section 1. The public authorities law is amended by adding a new
2 section 1018 to read as follows:
3 S 1018. USE AND TRANSFER OF FUNDS. NOTWITHSTANDING ANY OTHER PROVISION
4 OF LAW, AS DEEMED FEASIBLE AND ADVISABLE BY ITS TRUSTEES, ANY AND ALL
5 FUNDS OF THE AUTHORITY SHALL BE USED EXCLUSIVELY FOR THE PURPOSE OF
6 EFFECTUATING THE POLICY DECLARED IN SECTION ONE THOUSAND ONE OF THIS
7 TITLE AND SHALL, IN NO CIRCUMSTANCES, BE TRANSFERRED OR OTHERWISE GIVEN
8 TO THE STATE OF NEW YORK UNLESS SUCH FUNDS ARE USED DIRECTLY FOR ENERGY
9 PROJECTS. FOR THE PURPOSES OF THIS SECTION, THE TERM "ENERGY PROJECTS"
10 SHALL MEAN INFRASTRUCTURE IMPROVEMENTS AT AN ELECTRIC GENERATING FACILI-
11 TY, ACQUISITION OR INSTALLATION OF NEW EQUIPMENT AT AN ELECTRIC GENERAT-
12 ING FACILITY, REPLACEMENT OR RETROFIT OF BURNERS OR TURBINES, INSTALLA-
13 TION OR ACQUISITION OF ON-SITE RENEWABLE ENERGY GENERATION, INSTALLATION
14 OR UPGRADE OF TRANSMISSION LINES, REPLACEMENT OR REINFORCEMENT OF TRANS-
15 MISSION INFRASTRUCTURE, PUBLIC POLICY REPOWERING PROJECTS, ENERGY EFFI-
16 CIENCY PROJECTS, CLEAN ENERGY TECHNOLOGY PROJECTS, AND ANY PROGRAMS TO
17 FINANCE ANY SUCH PROJECTS.
18 S 2. The public authorities law is amended by adding a new section
19 1884 to read as follows:
20 S 1884. USE AND TRANSFER OF FUNDS. NOTWITHSTANDING ANY OTHER PROVISION
21 OF LAW OR INCONSISTENT PROVISION OF AN ORDER OF THE PUBLIC SERVICE
22 COMMISSION OR OF A PLAN OR PROPOSAL OF THE AUTHORITY, ANY FUNDS AUTHOR-
23 IZED FOR USE FOR PROGRAMS BY THE AUTHORITY IN CONNECTION WITH ANY ENERGY

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

LBD00617-02-5

1 OR ENERGY-RELATED FEE OR SURCHARGE AUTHORIZED TO BE COLLECTED BY THE
2 PUBLIC SERVICE COMMISSION OR OTHERWISE MADE AVAILABLE TO THE AUTHORITY
3 SHALL BE DEDICATED AND USED EXCLUSIVELY FOR THE PURPOSES SPECIFIED FOR
4 SUCH FEE OR SURCHARGE AT THE TIME THAT SUCH COLLECTION WAS AUTHORIZED.
5 IN THE EVENT THAT FUNDING AVAILABLE BUT NOT ALLOCATED FOR PROGRAMS BY
6 THE AUTHORITY IN A CALENDAR YEAR EXCEED THE COST OF PROGRAMS AND
7 SERVICES OFFERED BY THE AUTHORITY IN CONNECTION WITH SUCH FEES OR
8 SURCHARGES DURING SUCH CALENDAR YEAR, THEN THE PUBLIC SERVICE COMMISSION
9 SHALL CONDUCT A PROCEEDING TO DETERMINE WHETHER IT WOULD BE IN THE
10 PUBLIC INTEREST TO RETURN SUCH EXCESS COLLECTIONS TO RATEPAYERS.
11 S 3. This act shall take effect immediately.