

STATE OF NEW YORK

6605

2017-2018 Regular Sessions

IN SENATE

June 6, 2017

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

AN ACT to amend the public authorities law and the state finance law, in relation to creating the zero carbon emission investment program and zero carbon emission investment program fund

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Article 8 of the public authorities law is amended by
2 adding a new title 9-B to read as follows:

3 TITLE 9-B

4 ZERO CARBON EMISSION INVESTMENT PROGRAM

5 Section 1900. Short title.

6 1901. Definitions.

7 1902. Zero carbon emission investment program.

8 1903. Administration by the authority.

9 1904. Calculation of awards.

10 1905. Annual reporting.

11 1906. Funds administration.

12 § 1900. Short title. This title shall be known and may be cited as the
13 "zero carbon emission investment program".

14 § 1901. Definitions. As used in this title, the following terms shall
15 have the following meanings:

16 1. "Avoided emissions" means the estimate of co2 emissions, as calcu-
17 lated by the authority, that would have been released if a zero carbon
18 emitter had not existed.

19 2. "Authority" shall have the same meaning as in subdivision two of
20 section eighteen hundred fifty-one of this article.

21 3. "Zero carbon emitter" means a facility that uses atomic energy to
22 generate electricity.

23 4. "Atomic energy" means all forms of energy released in the course of
24 nuclear fission or nuclear transformation.

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

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1 5. "Clearing price" means the average of the quarterly Regional Green-
2 house Gas Initiative auction clearing prices for the current year.

3 § 1902. Zero carbon emission investment program. Within three months
4 of the effective date of this title, the public service commission is
5 hereby authorized and directed to establish the zero carbon emission
6 investment program.

7 § 1903. Administration by the authority. Within six months of the
8 effective date of this title, the authority is hereby authorized and
9 directed to administer the zero carbon emission investment program. The
10 authority shall implement the program as set forth by the department of
11 public service, in consultation with the power authority of the state of
12 New York, and the department of environmental conservation. The authori-
13 ty is authorized and directed to:

14 1. use monies made available for the program pursuant to section nine-
15 teen hundred six of this title to achieve the purposes of the program,
16 specifically to award zero carbon emitters for avoided emissions;

17 2. ensure monies are made available to qualifying zero carbon emitters
18 no less than sixty days after the final quarterly auction of that year;
19 and

20 3. exercise such other powers as are necessary for the proper adminis-
21 tration of the program as directed and authorized by the department of
22 public service.

23 § 1904. Calculation of awards. The authority shall calculate and issue
24 an award to each zero carbon emitter in the following manner: the
25 authority shall take the average of the four quarterly auction clearing
26 prices of the most recent year multiplied by fifty percent of the zero
27 carbon emitter's avoided emissions to determine such award. The authori-
28 ty shall calculate the annual avoided emissions for each facility.

29 § 1905. Annual reporting. No later than October first, two thousand
30 eighteen and October first of each year thereafter, the president of the
31 authority shall issue an annual report to the governor, the temporary
32 president of the senate, the speaker of the assembly, the minority lead-
33 er of the senate and the minority leader of the assembly concerning the
34 authority's activities related to the zero carbon emission investment
35 program created pursuant to this title.

36 § 1906. Funds administration. The authority shall ensure that not less
37 than the total awards issued to qualifying zero carbon emitters is made
38 available for the purpose of funding the zero carbon emission investment
39 program. The zero carbon emission investment program fund established
40 pursuant to section ninety-nine-bb of the state finance law shall
41 consist of monies collected by auctions administered under the regional
42 greenhouse gas initiative.

43 § 2. The state finance law is amended by adding a new section 99-bb to
44 read as follows:

45 § 99-bb. Zero carbon emission investment program fund. 1. There is
46 hereby established in the joint custody of the state comptroller and the
47 commissioner of taxation and finance a special fund to be known as the
48 "zero carbon emission investment program fund". The monies in such fund
49 shall be available for the zero-carbon emission investment program
50 pursuant to title nine-B of article eight of the public authorities law.

51 2. Monies in the zero carbon emission investment program fund shall be
52 kept separately from and shall not be commingled with any other monies
53 in the joint or sole custody of the state comptroller or the commission-
54 er of taxation and finance. Any interest received by the comptroller on
55 moneys deposited in the zero carbon emission investment program fund
56 shall be retained in and become a part of such fund.

1 § 3. Proceeds collected by the New York state energy research and
2 development authority from the auction or sale of carbon dioxide emis-
3 sion allowances administered under the regional greenhouse gas initi-
4 ative shall be used to fund the zero carbon emissions program estab-
5 lished in title 9-B of article 8 of the public authorities law, as added
6 by section one of this act.

7 § 4. This act shall take effect immediately, and upon enactment, the
8 zero emission credit as part of the clean energy standard as implemented
9 by the public service commission shall be deemed null and void, and no
10 charges shall be assessed against any regulated entity of the department
11 of public service pursuant to such prior order or if already assessed,
12 shall be refunded pro-rata to any rate payer.