

# STATE OF NEW YORK

6651

2017-2018 Regular Sessions

## IN SENATE

June 9, 2017

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

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

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:

### TITLE 9-B

#### ZERO CARBON EMISSION INVESTMENT PROGRAM

#### Section 1900. Short title.

##### 1901. Definitions.

##### 1902. Zero carbon emission investment program.

##### 1903. Administration by the authority.

##### 1904. Calculation of awards.

##### 1905. Annual reporting.

##### 1906. Funds administration.

##### 1907. Miscellaneous.

3 § 1900. Short title. This title shall be known and may be cited as the  
4 "zero carbon emission investment program".

5 § 1901. Definitions. As used in this title, the following terms shall  
6 have the following meanings:

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

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

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

14 4. "Atomic energy" means all forms of energy released in the course of  
15 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 sections  
15 nineteen hundred six and nineteen hundred seven of this title to achieve  
16 the purposes of the program, specifically to award zero carbon emitters  
17 for avoided emissions;

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

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

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

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

37     § 1906. Funds administration. The authority shall ensure that not less  
38 than the total awards issued to qualifying zero carbon emitters is made  
39 available for the purpose of funding the zero carbon emission investment  
40 program.

41     § 1907. Miscellaneous. The authority shall finance the zero carbon  
42 emission investment program established pursuant to this title through  
43 any funds available to the authority pursuant to section eighteen  
44 hundred fifty-four of this article or any other relevant law. Provided,  
45 however, the authority shall not increase or collect additional fees,  
46 rentals, penalties or other charges authorized and in existence prior to  
47 the effective date of this title for the financing of such program.

48     § 2. This act shall take effect immediately, and upon enactment, the  
49 zero emission credit as part of the clean energy standard as implemented  
50 by the public service commission shall be deemed null and void, and no  
51 charges shall be assessed against any regulated entity of the department  
52 of public service pursuant to such prior order or if already assessed,  
53 shall be refunded pro-rata to any rate payer.