*** § 11-0535-c. Endangered and threatened species mitigation bank fund.**

1. The department is hereby authorized to utilize funds in the endangered and threatened species mitigation bank fund, established pursuant to section ninety-nine-hh of the state finance law, for the purposes of implementing an endangered and threatened species mitigation plan approved by the department.

2. Such fund shall consist of contributions, in an amount determined by the department, deposited by an applicant granted a siting permit to construct a major renewable energy facility, where such applicant has been ordered to mitigate harm to a threatened or endangered species or its habitat.

3. In administering the provisions of this article, the commissioner:

a. May, in the name of the state, enter into contracts with not-for-profit corporations, private or public universities, and private contractors for services contemplated by this title. Such contracts shall be subject to approval by the state comptroller and, as to form, by the attorney general.

b. Shall approve vouchers for payments pursuant to an approved contract. All such payments shall be paid on the audit and warrant of the state comptroller;

c. May, in the name of the state, enter into contracts with a not-for-profit corporation to administer grants made pursuant to this title, including the approval and payment of vouchers for approved contracts; and

d. May perform such other and further acts as may be necessary, proper, or desirable to carry out the provisions of this article.

4. Nothing in this article shall be construed to limit or restrict any powers of the commissioner or any other agency pursuant to any other provision of law.

5. The commissioner is authorized and directed to promulgate any regulations deemed necessary to implement this section.

** 6. The commissioner shall annually report to the department of public service, the governor, the temporary president of the senate and the speaker of the assembly on the status of the fund and all monies added to and expended from the fund.

** NB Repealed December 31, 2040

* NB Repealed December 31, 2030