

1063

2015-2016 Regular Sessions

I N   S E N A T E

January 8, 2015

---

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to the power authority of the state of New York and the public authorities control board, and in relation to directing the New York state energy research and development authority to conduct a study related to the state's natural gas infrastructure

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

1     Section 1. Subdivision 1 of section 51 of the public authorities law  
2     is amended by adding a new paragraph o to read as follows:  
3     O. POWER AUTHORITY OF THE STATE OF NEW YORK  
4     S 2. Section 1005 of the public authorities law is amended by adding a  
5     new subdivision 11-a to read as follows:  
6     11-A. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE  
7     AUTHORITY SHALL NOT UNDERTAKE ANY PROJECT OR SALE OF ANY ASSET EXCEEDING  
8     ONE MILLION DOLLARS IN VALUE WITHOUT THE APPROVAL OF THE PUBLIC AUTHORI-  
9     TIES CONTROL BOARD CREATED PURSUANT TO ARTICLE ONE-A OF THIS CHAPTER.  
10    EACH APPLICATION TO THE PUBLIC AUTHORITIES CONTROL BOARD SHALL CONTAIN A  
11    PROJECT DESCRIPTION OR DESCRIPTION OF SALE AND AN EXPLANATION OF WHY THE  
12    PROJECT OR SALE MEETS THE STANDARDS FOR PROJECT APPROVAL OR APPROVAL OF  
13    SALE SET FORTH IN THIS SUBDIVISION. THE PUBLIC AUTHORITIES CONTROL BOARD  
14    SHALL ONLY APPROVE A PROJECT OR SALE PROPOSED BY THE AUTHORITY UPON ITS  
15    DETERMINATION THAT:  
16    A. THE PROJECT OR SALE IS FINANCIALLY FEASIBLE AS THE STANDARD AS  
17    DEFINED IN ARTICLE ONE-A OF THIS CHAPTER;  
18    B. THE PROJECT OR SALE IS ANTICIPATED TO RESULT GENERALLY IN LOWER  
19    UTILITY RATES IN THE STATE; AND

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

LBD06640-01-5

1 C. THE PROJECT OR SALE WILL NOT MATERIALLY ADVERSELY AFFECT OVERALL  
2 REAL PROPERTY TAXES OR UTILITY RATES IN ANY AREAS OF THE STATE OF NEW  
3 YORK.

4 S 3. Temporary special commission on restructuring the power authority  
5 of the state of New York. 1. There shall be a temporary special commis-  
6 sion on restructuring the power authority of the state of New York,  
7 which shall possess the powers and duties as specified in this section,  
8 and also all powers necessary or proper to enable such commission to  
9 carry out the purposes for which it is established. The temporary  
10 special commission shall consist of eight members as follows: two of  
11 whom shall be appointed by the governor, two of whom shall be appointed  
12 by the temporary president of the senate, two of whom shall be appointed  
13 by the speaker of the assembly, one of whom shall be appointed by the  
14 minority leader of the senate and one of whom shall be appointed by the  
15 minority leader of the assembly. Each member shall serve at the pleasure  
16 of the respective appointing person. One of the members appointed by  
17 the governor shall be selected by the governor to serve as chair of the  
18 temporary special commission. The temporary special commission shall be  
19 subject to articles 6 and 7 of the public officers law. Each member of  
20 the temporary special commission shall be subject to the provisions of  
21 article 4 of the public officers law.

22 2. The temporary special commission on restructuring the power author-  
23 ity of the state of New York shall have the power and duty to:

24 (a) conduct hearings, discussions, and negotiations among members of  
25 the public, affected businesses, and representatives of government; and

26 (b) issue a final report to the governor and legislature detailing  
27 recommendations on restructuring the power authority of the state of New  
28 York, including, but not limited to, the following issues: the divesti-  
29 ture of such authority's non-hydroelectric generation assets; such  
30 authority's role as a transmission provider; such authority's role in  
31 the power for jobs and economic development power programs; such author-  
32 ity's energy efficiency programs; such authority's relationship with,  
33 and obligation to, host communities, including, but not limited to,  
34 payments-in-lieu of taxes to local municipalities and school districts,  
35 economic development investments, and community revitalization initi-  
36 atives; and such authority's role in a deregulated energy market. On or  
37 before September 1, 2017 such commission shall transmit such report to  
38 the governor, the speaker of the assembly, the minority leader of the  
39 assembly, the temporary president of the senate, the minority leader of  
40 the senate, the chairman of the assembly energy committee and the chair-  
41 man of the senate energy and telecommunications committee.

42 S 4. The public authorities law is amended by adding a new section  
43 1855-a to read as follows:

44 S 1855-A. NATURAL GAS SUPPLY AND INFRASTRUCTURE STUDY. 1. THE AUTHORI-  
45 TY SHALL UNDERTAKE A STUDY OF ISSUES, INCLUDING BUT NOT LIMITED TO THE  
46 SUPPLY, TRANSPORTATION, PIPELINE CAPACITY, DISTRIBUTION AND STORAGE OF  
47 NATURAL GAS IN NEW YORK STATE. THE AUTHORITY MAY CONTRACT WITH AN INDE-  
48 PENDENT AND COMPETITIVELY SELECTED CONTRACTOR TO UNDERTAKE SUCH STUDY.  
49 THE AUTHORITY SHALL PREPARE A REPORT ON ITS FINDINGS AND LEGISLATIVE  
50 RECOMMENDATIONS. ON OR BEFORE SEPTEMBER FIRST, TWO THOUSAND SEVENTEEN,  
51 THE AUTHORITY SHALL TRANSMIT SUCH REPORT TO THE GOVERNOR, THE TEMPORARY  
52 PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRMAN OF  
53 THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE CHAIRMAN OF  
54 THE ASSEMBLY ENERGY COMMITTEE.

55 2. THE STUDY SHALL INCLUDE, AT A MINIMUM, AN ASSESSMENT OF EACH OF THE  
56 FOLLOWING:

1 (A) CURRENT UTILITY PRACTICES IN PROCURING THE COMMODITY OF NATURAL  
2 GAS AND A COMPARISON, BY UTILITY TERRITORY IN THE STATE, OF IMPACTS ON  
3 RATES FOR END-USE CUSTOMERS; (B) THE CURRENT AND PROJECTED ADEQUACY OF  
4 THE NATURAL GAS INFRASTRUCTURE, INCLUDING TRANSPORTATION, PIPELINE  
5 CAPACITY, DISTRIBUTION AND STORAGE IN NEW YORK STATE; (C) ADEQUACY OF  
6 TRANSPORTATION AND DISTRIBUTION IN DENSELY POPULATED AREAS OF THE STATE  
7 AND IN RURAL AREAS OF THE STATE; (D) INVESTMENT IN INFRASTRUCTURE,  
8 INCLUDING CAPITAL IMPROVEMENTS, UTILIZATION OF NEW TECHNOLOGY, EXPAN-  
9 SIONS, AND MAINTENANCE; (E) THE ADEQUACY OF TRANSPORTATION AND DISTRIB-  
10 UTION INFRASTRUCTURE IN AREAS WHERE NATURAL GAS FUELED ELECTRIC GENERAT-  
11 ING PLANTS ARE PROPOSED; (F) INDIGENOUS SOURCES OF NATURAL GAS IN THE  
12 STATE; (G) WORKFORCE ADEQUACY, INCLUDING THE AVAILABILITY OF SKILLED  
13 LABORERS AND THE ADEQUACY OF SKILLS TRAINING AND APPRENTICESHIP  
14 PROGRAMS; AND (H) THE POTENTIAL IMPACT OF DISTRIBUTED GENERATION AND  
15 COMBINED HEAT AND POWER SYSTEMS ON NATURAL GAS TRANSPORTATION AND  
16 DISTRIBUTION SYSTEM ADEQUACY.

17 S 5. This act shall take effect immediately.