

S T A T E O F N E W Y O R K

9233--A

2009-2010 Regular Sessions

I N A S S E M B L Y

November 9, 2009

Introduced by M. of A. RUSSELL -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to powers of the North Country power authority and repealing subdivision 7 of section 1021-d of such law relating thereto

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

1 Section 1. Subdivision 7 of section 1021-d of the public authorities
2 law, as added by a chapter of the laws of 2009 amending the public
3 authorities law and the executive law relating to establishing the North
4 Country power authority, as proposed in legislative bills numbers
5 S.2813-A and A.6694-B, is REPEALED and a new subdivision 7 is added to
6 read as follows:
7 7. THE AUTHORITY SHALL BE SUBJECT IN ALL RESPECTS TO THE GENERAL
8 SUPERVISION OF THE PUBLIC SERVICE COMMISSION IN THE SAME MANNER AS A
9 MUNICIPAL ELECTRIC UTILITY IS SUBJECT TO THE JURISDICTION OF THE PUBLIC
10 SERVICE COMMISSION UNDER THE PUBLIC SERVICE LAW.
11 S 2. Subdivision 5 of section 1021-e of the public authorities law, as
12 added by a chapter of the laws of 2009 amending the public authorities
13 law and the executive law relating to establishing the North Country
14 power authority, as proposed in legislative bills numbers S.2813-A and
15 A.6694-B, is amended to read as follows:
16 5. To acquire on behalf of and in the name of the authority, whether
17 by agreement with and purchase from the owner or owners, or by arbitration,
18 or within the service area by eminent domain, pursuant to the
19 procedures set forth in the eminent domain procedure law, or by lease,
20 the whole or any part of any existing facilities or of any other property
21 to be used in connection with power transmission, distribution or
22 generation by the authority as set out in this title; provided, however,

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

LBD15021-04-9

1 that the authority shall not acquire real property of a municipality or
2 a political subdivision of the state unless such municipality or poli-
3 tical subdivision shall consent thereto; [and in connection with the
4 purchase of such properties] AND PROVIDED FURTHER THAT THE AUTHORITY
5 SHALL NOT ACQUIRE BY THE EXERCISE OF EMINENT DOMAIN ANY FACILITIES FOR
6 THE TRANSMISSION OF ELECTRICITY OPERATING AT A VOLTAGE IN EXCESS OF
7 TWENTY-TWO THOUSAND VOLTS FROM ANY PERSON, CORPORATION OR ASSOCIATION,
8 PUBLIC OR PRIVATE, ENGAGED IN THE BUSINESS OF DISTRIBUTION AND SALE OF
9 ELECTRICITY TO ULTIMATE CUSTOMERS UNLESS THE AUTHORITY IS UNABLE TO
10 ACQUIRE BY CONTRACT WITH THE OWNERS OR OPERATORS THEREOF, THE RIGHT TO
11 USE SUCH FACILITIES ON JUST, REASONABLE AND NON-DISCRIMINATORY TERMS;
12 AND PROVIDED FURTHER THAT THE AUTHORITY SHALL NOT ACQUIRE BY THE EXER-
13 CISE OF EMINENT DOMAIN ANY FACILITIES FOR THE GENERATION OF ELECTRIC
14 POWER FROM ANY PERSON, CORPORATION, COMPANY, OR ASSOCIATION, PUBLIC OR
15 PRIVATE, ENGAGED IN THE GENERATION OF ELECTRIC POWER. IN CONNECTION
16 WITH THE PURCHASE OF ANY PROPERTIES AUTHORIZED HEREIN, the authority may
17 assume any obligations of the owner of such properties and, to the
18 extent required by the terms of any indentures or other instruments
19 under which such obligations were issued, the authority may assume and
20 agree to perform covenants and observe restrictions contained in such
21 instruments; and furthermore the owner of any properties, which the
22 authority is authorized to acquire, is hereby authorized to sell or
23 otherwise transfer the same to the authority. In the exercise of the
24 power of eminent domain, as provided in this subdivision, the property
25 being acquired shall be deemed, when so determined by the authority, to
26 be for a public use;

27 S 3. This act shall take effect on the same date as a chapter of the
28 laws of 2009 amending the public authorities law and the executive law
29 relating to establishing the North Country power authority, as proposed
30 in legislative bills numbers S.2813-A and A.6694-B, takes effect.