

5862

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 2, 2011

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Introduced by M. of A. BRENNAN, RUSSELL, MAGEE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the general municipal law, in relation to clarifying the regulatory authority of the New York power authority

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

1     Section 1. Section 1014 of the public authorities law, as amended by  
2 chapter 446 of the laws of 1972, is amended to read as follows:  
3     S 1014. Public service law not applicable to authority; inconsistent  
4 provisions in other acts superseded. The rates, services and practices  
5 relating to the generation, transmission, distribution and sale OF POWER  
6 by the authority[, of power to be generated from the projects authorized  
7 by this title] shall not be subject to the provisions of the public  
8 service law nor to regulation by, nor the jurisdiction of the department  
9 of public service. IN PARTICULAR, THE AUTHORITY, AND NOT THE DEPARTMENT  
10 OF PUBLIC SERVICE, WILL HAVE REGULATORY AUTHORITY AND JURISDICTION OVER  
11 ANY MUNICIPAL CORPORATION AS DEFINED IN SECTION THREE HUNDRED SIXTY OF  
12 THE GENERAL MUNICIPAL LAW THAT OWNS AND OPERATES AN ELECTRIC DISTRIB-  
13 UTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE AUTHORITY, PROVIDED,  
14 HOWEVER, THAT SUCH MUNICIPAL CORPORATIONS SHALL REMAIN SUBJECT TO THE  
15 REQUIREMENTS OF SECTION SIXTY-EIGHT OF THE PUBLIC SERVICE LAW; AND  
16 PROVIDED, FURTHER, THAT THIS EXEMPTION FROM PUBLIC SERVICE COMMISSION  
17 JURISDICTION SHALL NOT APPLY TO: (1) MUNICIPAL CORPORATIONS THAT SELF  
18 GENERATE POWER FOR DISTRIBUTION PURPOSES; (2) POWER AUTHORITIES THAT ARE  
19 ESTABLISHED BY THE LEGISLATURE AFTER MAY TWENTIETH, TWO THOUSAND TEN;  
20 AND (3) MUNICIPAL CORPORATIONS THAT ARE ESTABLISHED PURSUANT TO SECTION  
21 THREE HUNDRED SIXTY OF THE GENERAL MUNICIPAL LAW AFTER MAY TWENTIETH,  
22 TWO THOUSAND TEN. Except to the extent article seven of the public  
23 service law applies to the siting and operation of a major utility tran-  
24 smission facility as defined therein, and except to the extent section

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

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1 eighteen-a of such law provides for assessment of the authority for  
2 certain costs relating thereto, the provisions of the public service law  
3 and of the ENVIRONMENTAL conservation law and every other law relating  
4 to the department of public service or the public service commission or  
5 to the conservation department or to the functions, powers or duties  
6 assigned to the division of water power and control by chapter six  
7 hundred nineteen, of the laws of nineteen hundred twenty-six, shall so  
8 far as is necessary to make this title effective in accordance with its  
9 terms and purposes be deemed to be superseded, and wherever any  
10 provision of law shall be found in conflict with the provisions of this  
11 title or inconsistent with the purposes thereof, it shall be deemed to  
12 be superseded, modified or repealed as the case may require.

13 S 2. Subdivision 2 of section 364 of the general municipal law is  
14 amended by adding a new paragraph (c) to read as follows:

15 (C) A MUNICIPAL CORPORATION THAT OWNS AND OPERATES AN ELECTRIC  
16 DISTRIBUTION SYSTEM AND DISTRIBUTES ANY POWER FROM THE NEW YORK POWER  
17 AUTHORITY SHALL BE REGULATED BY THE NEW YORK POWER AUTHORITY, AND NOT  
18 SUBJECT TO ARTICLE FOUR OF THE PUBLIC SERVICE LAW, PROVIDED, HOWEVER,  
19 THAT SUCH MUNICIPAL CORPORATIONS SHALL REMAIN SUBJECT TO THE REQUIRE-  
20 MENTS OF SECTION SIXTY-EIGHT OF THE PUBLIC SERVICE LAW; AND PROVIDED  
21 FURTHER THAT THIS EXEMPTION FROM PUBLIC SERVICE COMMISSION JURISDICTION  
22 SHALL NOT APPLY TO: (1) THOSE MUNICIPALITIES THAT SELF GENERATE POWER  
23 FOR DISTRIBUTION PURPOSES; (2) POWER AUTHORITIES THAT ARE ESTABLISHED BY  
24 THE LEGISLATURE AFTER MAY TWENTIETH, TWO THOUSAND TEN; AND (3) MUNICIPAL  
25 CORPORATIONS THAT ARE ESTABLISHED PURSUANT TO SECTION THREE HUNDRED  
26 SIXTY OF THIS ARTICLE AFTER MAY TWENTIETH, TWO THOUSAND TEN.

27 S 3. This act shall take effect January 1, 2012.