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I N   A S S E M B L Y

June 4, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. Morelle, Gabryszak, Zebrowski, Russell, Ryan, Brindisi) -- read once and referred to the Committee on Judiciary

AN ACT to amend the transportation corporation law, in relation to the powers of gas and electric corporations

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

1     Section 1.     Section 11 of the transportation corporation law is  
2 amended by adding a new subdivision 8 to read as follows:  
3     8. SUBDIVISIONS THREE, THREE-A AND THREE-B OF THIS SECTION SHALL NOT  
4 APPLY TO ANY ELECTRIC CORPORATION WHICH:  
5     (A) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS  
6 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD A TRAN-  
7 SMISION LINE OR TO EXPAND AN EXISTING TRANSMISSION LINE WHICH TRANS-  
8 MISSION LINE ORIGINATES AT A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS  
9 OF THE UNITED STATES OF AMERICA AND EXTENDS TO A LOCATION WITHIN THE  
10 STATE OF NEW YORK; OR  
11     (B) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS  
12 AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD AN  
13 ELECTRIC GENERATING FACILITY, OR TO EXPAND AN EXISTING ELECTRIC GENERAT-  
14 ING FACILITY THAT IS LOCATED OUTSIDE OF THE TERRITORIAL LIMITS OF THE  
15 UNITED STATES OF AMERICA TOGETHER WITH BUILDING OR OTHERWISE UTILIZING  
16 AN EXISTING ELECTRICAL INTERCONNECTION TO A POINT LOCATED WITHIN THE  
17 STATE OF NEW YORK.  
18     (C) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL  
19 HAVE THE FOLLOWING MEANINGS:  
20     I. "AFFILIATED INTERESTS" SHALL INCLUDE BUT NOT BE LIMITED TO, ANY  
21 PERSON WHICH DIRECTLY, INDIRECTLY, OR CONSTRUCTIVELY:  
22     A. CONTROLS ANOTHER PERSON;  
23     B. IS CONTROLLED BY ANOTHER PERSON; OR  
24     C. IS, ALONG WITH ANOTHER PERSON, UNDER THE CONTROL OF A COMMON  
25 PARENT.  
26     II. "CONTROL" MEANS POSSESSION OF THE POWER TO DIRECT, OR CAUSE THE  
27 DIRECTION OF, THE MANAGEMENT AND POLICIES OF ANOTHER PERSON.

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

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1       III. "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PUBLIC BENEFIT CORPO-  
2 RATION, POLITICAL SUBDIVISION, SOVEREIGN OR TRIBAL NATION, GOVERNMENT  
3 AGENCY, MUNICIPALITY, PARTNERSHIP, CO-OPERATIVE ASSOCIATION, TRUST OR  
4 ESTATE.

5       S 2. This act shall take effect immediately.