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

S. 3447 A. 5494

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

February 22, 2011

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to powers granted to municipalities concerning public utility services

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

Section 1. Section 1020-h of the public authorities law, as added by chapter 517 of the laws of 1986, is amended by adding two new subdivisions 12 and 13 to read as follows:

12. NOTHING IN THIS TITLE SHALL BE CONSTRUED AS PREEMPTING, OR OTHERWISE LIMITING, THE RIGHTS OF ANY MUNICIPALITY LOCATED IN WHOLE OR IN PART IN THE SERVICE AREA FROM EXERCISING ANY POWER OR AUTHORITY GRANTED TO IT BY ARTICLE FOURTEEN-A OF THE GENERAL MUNICIPAL LAW, INCLUDING THE RIGHT TO ACQUIRE FACILITIES THROUGH EMINENT DOMAIN AS SET FORTH IN SUBDIVISION SIX OF SECTION THREE HUNDRED SIXTY OF THE GENERAL MUNICIPAL LAW.

13. IN CONJUNCTION WITH THE EXERCISE OF THE POWER OF EMINENT DOMAIN SPECIFICALLY RESERVED TO MUNICIPALITIES LOCATED IN WHOLE OR IN PART IN THE SERVICE AREA, THE LEGISLATIVE FINDINGS WITH RESPECT TO THE APPROPRIATE VALUATION OF LILCO'S PROPERTY, AS SET FORTH IN PARAGRAPHS (F) THROUGH (M) OF SUBDIVISION ONE OF THIS SECTION, SHALL BE CONSIDERED BY THE COURT IN ESTABLISHING JUST COMPENSATION FOR ANY PROPERTY TAKEN BY ANY SUCH MUNICIPALITY.

S 2. This act shall take effect immediately.

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

LBD03818-01-1