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

8495

I N A S S E M B L Y

January 17, 2014

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

AN ACT to repeal subdivision 24 of section 1005 of the public authorities law relating to the powers and duties of the power authority of the state of New York, and to authorize and direct the power authority of the state of New York to request information from beneficiaries of certain settlement proceedings and to report thereon; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Subdivision 24 of section 1005 of the public authorities law, as added by chapter 552 of the laws of 2013, is REPEALED.

S 2. The power authority of the state of New York ("authority") shall transmit a written request for information ("information request") to (i) each public entity within the state of New York ("state") and (ii) each private entity with facilities within the state (collectively, "entity"), that received an allocation, sub-allocation or transfer of power, grant of money or any other tangible benefit from the authority as a result of the settlement proceedings related to the relicensing of the authority's Niagara power project approved by the federal energy regulatory commission that took effect on September 1, 2007.

(a) The authority shall seek from each such entity the following information:

1. all purposes for which the power allocation or grant was used;

2. whether any portion of the power allocation or grant or any benefit therefrom was sub-allocated or transferred to another person or entity and, if so, the name and address of each such person or entity;

3. whether the person or entity has a basis to believe that the power allocation or grant contributed to the retention or creation of new jobs in the state and, if so, the estimated number of jobs retained and created and the basis for the person or entity's estimate;

4. whether the power allocation or grant provided any other benefits and, if so, a description of all such benefits; and

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

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5. the results of any audit conducted by the entity concerning the use of a power allocation or grant by the entity or any person to which any portion of the power allocation or grant was sub-allocated or transferred.

(b) If the person or entity that received a power allocation or grant lacks any of the information described in subdivision (a) of this section with respect to any portion of a grant that was sub-allocated or transferred to another person or entity, the authority shall transmit a written request for information to each such person or entity for the purpose of obtaining such information.

(c) Each entity or person that receives a written request for information from the authority pursuant to this act shall cooperate fully with the authority, provide responsive information in a timely manner, and comply with other requests and requirements deemed appropriate by the authority or its designee.

(d) The authority shall issue a report on the results of the information requests authorized by this act by July 1, 2015. The authority shall include in such report the identity of any entity or person that received a request for information from the authority but did not provide responsive information. The authority shall post a copy of the report on the authority's website and transmit a copy of the full report to the governor, the temporary president of the senate, the speaker of the assembly, the chairs of the senate energy and telecommunications committee and the assembly corporations, authorities and commissions and energy committees.

(e) The information requests and report provided for by this section may in the authority's discretion be conducted by the authority or by a qualified contractor selected by the authority in accordance with the authority's procurement guidelines.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after the date chapter 552 of the laws of 2013 took effect; provided, however, that section two of this act shall expire and be deemed repealed July 1, 2015.