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

1704

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GRISANTI, GALLIVAN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the public service law, in relation to a temporary annual assessment; to amend part NN of chapter 59 of the laws of 2009 amending the public service law relating to financing operations of the department of public service, in relation to the effectiveness thereof; and to amend the public service law, in relation to reducing the amount a utility can be assessed

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

Section 1. Paragraph (a) of subdivision 6 of section 18-a of the public service law, as added by section 4 of part NN of chapter 59 of the laws of 2009, is amended to read as follows:

(a) Notwithstanding any provision of law to the contrary, and subject to the exceptions provided for in paragraph (b) of this subdivision, for the state fiscal year beginning on April first, two thousand nine and [four] THREE state fiscal years thereafter, a temporary annual assessment (hereinafter "temporary state energy and utility service conservation assessment") is hereby imposed on public utility companies (including for the purposes of this subdivision municipalities other than municipalities as defined in section eighty-nine-l of this chapter), corporations (including for purposes of this subdivision the Long Island power authority), and persons subject to the commission's regulation (hereinafter such public utility companies, corporations, and persons are referred to collectively as the "utility entities") to encourage the conservation of energy and other resources provided through utility entities, to be assessed in the manner provided in this subdivision; provided, however, that such assessment shall not be imposed upon tele-

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

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phone corporations as defined in subdivision seventeen of section two of this article.

S 2. Section 6 of part NN of chapter 59 of the laws of 2009, amending the public service law relating to financing operations of the department of public service is amended to read as follows:

S 6. This act shall take effect immediately; provided, however, that subdivision 6 of section 18-a of the public service law, as added by section four of this act shall take effect April 1, 2009 and shall expire and be deemed repealed March 31, [2014] 2013; and provided, further, that if section four of this act shall become law after April 1, 2009, it shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.

S 3. Paragraph (g) of subdivision 2 of section 18-a of the public service law, as amended by section 2 of part NN of chapter 59 of the laws of 2009, is amended to read as follows:

(g) The total amount which may be charged to any public utility company under authority of this subdivision for any state fiscal year shall not exceed ONE-THIRD OF one per centum of such public utility company's gross operating revenues derived from intrastate utility operations in the last preceding calendar year, or other twelve month period as determined by the chairman; provided, however, that no corporation or person that is subject to the jurisdiction of the commission only with respect to safety, or the power authority of the state of New York, shall be subject to the general assessment provided for under this subdivision.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as part NN of chapter 59 of the laws of 2009 took effect; provided that the amendment to paragraph (a) of subdivision 6 of section 18-a of the public service law made by section one of this act shall not affect the expiration and repeal of such subdivision 6 and shall expire and be deemed repealed therewith; and provided further that section three of this act shall take effect April 1, 2013.