

4948--A

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I N S E N A T E

May 1, 2013

Introduced by Sens. MAZIARZ, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to duties 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 1005 of the public authorities law is amended by
2 adding a new subdivision 24 to read as follows:
3 24. A. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE
4 AUTHORITY SHALL UNDERTAKE AN AUDIT OF ALL THE PARTIES SUBJECT TO STATE
5 OVERSIGHT THAT WERE NAMED AS BENEFICIARIES OF A POWER ALLOCATION OR CASH
6 PAYMENT IN THE FEDERAL RELICENSING AGREEMENT APPROVED BY THE FEDERAL
7 ENERGY REGULATORY COMMISSION THAT TOOK EFFECT ON SEPTEMBER FIRST, TWO
8 THOUSAND SEVEN, IN RELATION TO THE NIAGARA POWER PROJECT IN LEWISTON,
9 NEW YORK.
10 B. AS DEEMED FEASIBLE AND ADVISABLE BY THE TRUSTEES OF THE AUTHORITY,
11 THE AUDIT REQUIRED BY THIS SUBDIVISION MAY BE CONDUCTED BY THE AUTHORITY
12 AND ITS STAFF OR IN THE ALTERNATIVE THE AUTHORITY IS HEREBY AUTHORIZED
13 TO ISSUE A REQUEST FOR PROPOSALS WITHIN NINETY DAYS OF THE EFFECTIVE
14 DATE OF THIS SUBDIVISION FOR A QUALIFIED ACCOUNTING AND AUDITING FIRM TO
15 PERFORM THIS WORK.
16 C. EACH ENTITY WHO RECEIVED A POWER ALLOCATION OR CASH PAYMENT IS
17 HEREBY DIRECTED TO COOPERATE FULLY WITH THE AUDIT REQUIRED HEREIN, AND
18 TO PROVIDE DOCUMENTS OR OTHER EXHIBITS IN A TIMELY MANNER, AND TO MAKE
19 WITNESSES READILY AVAILABLE WHO ARE CAPABLE OF PROVIDING INFORMATION
20 ABOUT THE USE OF THE AUTHORITY'S ASSETS PURSUANT TO THE RELICENSING
21 AGREEMENT AND TO COMPLY WITH OTHER REQUESTS AND REQUIREMENTS DEEMED
22 APPROPRIATE BY THE AUTHORITY OR ITS DESIGNEE.

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

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1 D. SUCH AUDIT SHALL INCLUDE BUT SHALL NOT BE LIMITED TO, AN EXAMINA-
2 TION AND REPORT ON EACH TRANSACTION INVOLVING RELICENSING POWER OR
3 MONEY, INCLUDING IDENTIFYING THE BENEFICIARIES OF SUCH BENEFITS, SPECI-
4 FYING ANY AND ALL CASH PAYMENTS OR POWER ALLOCATIONS AND A REVIEW OF
5 EACH TRANSACTION TO DETERMINE WHETHER ANY JOBS WERE CREATED OR RETAINED
6 AS A RESULT OF THE ALLOCATIONS IN QUESTION OR IF ANY BENEFIT WAS
7 PROVIDED TO THE COMMUNITY AS A WHOLE.

8 E. THE AUTHORITY SHALL ISSUE A REPORT ON THE RESULTS OF THE AUDIT BY
9 JUNE FIRST, TWO THOUSAND FOURTEEN, AND SHALL POST A COPY OF THE AUDIT ON
10 THE AUTHORITY'S WEBSITE AND TRANSMIT A COPY OF THE FULL AUDIT DOCUMENT
11 TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE CHAIRS OF
12 THE SENATE ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE ASSEMBLY
13 ENERGY COMMITTEE AND THE CHIEF EXECUTIVE OFFICER OR RESPONSIBLE PARTY
14 FOR EACH RELICENSING BENEFICIARY WHO IS A SUBJECT OF SAID AUDIT.

15 S 2. This act shall take effect immediately.