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

3105

2015-2016 Regular Sessions

I N A S S E M B L Y

January 22, 2015

Introduced by M. of A. MORELLE, ZEBROWSKI, RUSSELL, RYAN, BRINDISI, HEVESI, CUSICK, SKOUFIS -- read once and referred to the Committee on Judiciary

AN ACT to amend the transportation corporations 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:

Section 1. Section 11 of the transportation corporations law is amended by adding a new subdivision 8 to read as follows:

8. SUBDIVISIONS THREE, THREE-A AND THREE-B OF THIS SECTION SHALL NOT APPLY TO ANY ELECTRIC CORPORATION WHICH:

(A) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD A TRANSMISSION LINE OR TO EXPAND AN EXISTING TRANSMISSION LINE WHICH TRANSMISSION LINE ORIGINATES AT A LOCATION OUTSIDE OF THE TERRITORIAL LIMITS OF THE UNITED STATES OF AMERICA AND EXTENDS TO A LOCATION WITHIN THE STATE OF NEW YORK; OR

(B) SEEKS, THROUGH ITSELF, OR THROUGH ONE OR MORE AFFILIATED INTERESTS AS DEFINED IN PARAGRAPH (C) OF THIS SUBDIVISION, TO EITHER BUILD AN ELECTRIC GENERATING FACILITY, OR TO EXPAND AN EXISTING ELECTRIC GENERATING FACILITY THAT IS LOCATED OUTSIDE OF THE TERRITORIAL LIMITS OF THE UNITED STATES OF AMERICA TOGETHER WITH BUILDING OR OTHERWISE UTILIZING AN EXISTING ELECTRICAL INTERCONNECTION TO A POINT LOCATED WITHIN THE STATE OF NEW YORK.

(C) FOR THE PURPOSES OF THIS SUBDIVISION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

I. "AFFILIATED INTERESTS" SHALL INCLUDE BUT NOT BE LIMITED TO, ANY PERSON WHICH DIRECTLY, INDIRECTLY, OR CONSTRUCTIVELY:

A. CONTROLS ANOTHER PERSON;

B. IS CONTROLLED BY ANOTHER PERSON; OR

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

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C. IS, ALONG WITH ANOTHER PERSON, UNDER THE CONTROL OF A COMMON PARENT.

II. "CONTROL" MEANS POSSESSION OF THE POWER TO DIRECT, OR CAUSE THE DIRECTION OF, THE MANAGEMENT AND POLICIES OF ANOTHER PERSON.

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

S 2. This act shall take effect immediately.