

8132

I N   S E N A T E

June 14, 2016

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Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend part TT of chapter 54 of the laws of 2016, amending the public authorities law and other laws relating to eliminating the canal corporation, in relation to an implementation plan for continuing and reconstituting the New York state canal corporation as a subsidiary corporation of the power authority of the state of New York and transferring powers and duties regarding the New York state canal system from the New York state thruway authority to the power authority of the state of New York and authorizing the power authority to establish a task force, and the effectiveness thereof; and to repeal section 30 of part TT of such law relating thereto

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

1     Section 1. Section 30 of part TT of chapter 54 of the laws of 2016,  
2 relating to eliminating the canal corporation is REPEALED and a new  
3 section 30 is added to read as follows:  
4     S 30. (A) THE POWER AUTHORITY SHALL PREPARE AN IMPLEMENTATION PLAN  
5 ("PLAN") FOR CONTINUING AND RECONSTITUTING THE CANAL CORPORATION AS A  
6 SUBSIDIARY CORPORATION OF THE POWER AUTHORITY, AND THE TRANSFER OF  
7 POWERS, DUTIES AND RESPONSIBILITIES REGARDING THE NEW YORK STATE CANAL  
8 SYSTEM FROM THE THRUWAY AUTHORITY TO THE POWER AUTHORITY (COLLECTIVELY,  
9 "CANAL TRANSFER"), AS PROVIDED FOR IN THIS ACT. THE PLAN SHALL, AT A  
10 MINIMUM, CONTAIN THE FOLLOWING ELEMENTS:  
11     (I) A DESCRIPTION OF THE GENERAL MANNER IN WHICH THE POWER AUTHORITY  
12 EXPECTS TO IMPLEMENT THE CANAL TRANSFER, INCLUDING DETAILS ON:  
13     1. IMPLEMENTATION AND INTEGRATION OF INFORMATION TECHNOLOGY SYSTEMS  
14 FOR THE POWER AUTHORITY AND THE CANAL CORPORATION;  
15     2. MANAGEMENT OF THE CANAL CORPORATION PROPERTY; AND  
16     3. PROVISION OF SPACE FOR CANAL CORPORATION PERSONNEL, EQUIPMENT,  
17 OPERATIONS, AND FACILITIES;  
18     (II) A SPECIFIC ACCOUNTING OF THE IMPACT OF THE CANAL TRANSFER ON THE  
19 POWER AUTHORITY'S CURRENT FISCAL CAPACITY TO IMPLEMENT ITS LOW COST  
20 POWER PROGRAMS THAT SUPPORT ECONOMIC DEVELOPMENT IN THE STATE, INCLUDING

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

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1 THE EXPANSION POWER, REPLACEMENT POWER, PRESERVATION POWER AND RECHARGE  
2 NEW YORK POWER PROGRAMS;

3 (III) A SPECIFIC ACCOUNTING OF THE IMPACT OF THE CANAL TRANSFER ON THE  
4 POWER AUTHORITY'S CURRENT FISCAL CAPACITY TO IMPLEMENT ITS FINANCIAL  
5 INCENTIVE PROGRAMS THAT SUPPORT ECONOMIC DEVELOPMENT IN THE STATE,  
6 INCLUDING THE WESTERN NEW YORK ECONOMIC DEVELOPMENT FUND AND INDUSTRIAL  
7 INCENTIVE AWARD PROGRAMS;

8 (IV) A SPECIFIC ACCOUNTING OF THE IMPACT OF THE CANAL TRANSFER ON THE  
9 POWER AUTHORITY'S CURRENT FISCAL CAPACITY TO IMPLEMENT ITS OTHER  
10 PROGRAMS OR ACTIVITIES ASSOCIATED WITH ITS CORE MISSION, SUCH AS ITS  
11 FEDERAL PREFERENCE POWER PROGRAM, AND ENERGY-RELATED PROJECTS, PROGRAMS  
12 AND SERVICES PROVIDED FOR IN SUBDIVISION SEVENTEEN OF SECTION ONE THOU-  
13 SAND FIVE OF THE PUBLIC AUTHORITIES LAW;

14 (V) A REQUIREMENT THAT THE RIGHTS AND PRIVILEGES OF POWER AUTHORITY  
15 EMPLOYEES AND CANAL CORPORATION EMPLOYEES UNDER EXISTING COLLECTIVE  
16 BARGAINING AGREEMENTS WILL NOT BE ADVERSELY IMPACTED AT THE TIME OF THE  
17 CANAL TRANSFER;

18 (VI) A REPORT ON THE STATUS OF RELEVANT COLLECTIVE BARGAINING NEGOTI-  
19 ATIONS, INCLUDING, BUT NOT LIMITED TO, A PLAN FOR RESOLUTION OF CONTRACT  
20 DISPUTES INVOLVING CANAL CORPORATION AND POWER AUTHORITY EMPLOYEES; AND

21 (VII) A COMMITMENT THAT THE RATES FOR THE POWER AUTHORITY PRODUCTION  
22 AND TRANSMISSION PROGRAMS WILL CONTINUE TO BE BASED ON GENERALLY-ACCEPT-  
23 ED COST ALLOCATION AND RATEMAKING PRINCIPLES AND CONFIRMATION THAT NOTH-  
24 ING HEREIN SHALL HAVE THE DIRECT EFFECT OF INCREASING RATES FOR HYDRO-  
25 POWER PURCHASES BY PREFERENCE CUSTOMERS, INCLUDING PUBLIC BODIES AND  
26 NON-PROFIT COOPERATIVES.

27 (B) THE POWER AUTHORITY SHALL COMPLETE THE REPORT AND SUBMIT COPIES OF  
28 THE REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY  
29 PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, THE MINOR-  
30 ITY LEADER OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS  
31 COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE  
32 ASSEMBLY ENERGY COMMITTEE AND THE CHAIR OF THE SENATE ENERGY COMMITTEE.

33 (C)(I) IN ADDITION TO THE IMPLEMENTATION PLAN PROVIDED FOR IN THIS  
34 ACT, THE POWER AUTHORITY SHALL PREPARE A REPORT WHICH SHALL, AT A MINI-  
35 MUM, CONTAIN THE FOLLOWING ELEMENTS:

36 1. A REVIEW OF CURRENT PROGRAMS RELATING TO THE NEW YORK STATE CANAL  
37 SYSTEM ("CANAL SYSTEM") (INCLUDING BY WAY OF EXAMPLE PROGRAMS RELATING  
38 TO GRANTS, MARKETING/PROMOTION AND USES OF CANAL SYSTEM PROPERTY), AND  
39 RECOMMENDATIONS FOR THE ELIMINATION, MODIFICATION AND ENHANCEMENT OF  
40 PROGRAMS;

41 2. A REVIEW OF RECENT HISTORICAL TRENDS RELATING TO USAGE AND ECONOMIC  
42 DEVELOPMENT ACTIVITIES OF THE CANAL SYSTEM;

43 3. A REVIEW OF CURRENT REVENUE SOURCES SUPPORTING THE CANAL SYSTEM,  
44 AND DISCUSSION OF POSSIBLE NEW SOURCES OF REVENUE AND FINANCIAL SUPPORT  
45 FOR THE CANAL SYSTEM, INCLUDING FEDERAL ASSISTANCE AND SPONSORSHIPS;

46 4. A REPORT ON THE STATUS OF ANY ONGOING COLLECTIVE BARGAINING NEGOTI-  
47 ATIONS;

48 5. A PRELIMINARY ANALYSIS OF THE FEASIBILITY OF DEVELOPING RENEWABLE  
49 ENERGY RESOURCES WITHIN THE CANAL SYSTEM; AND

50 6. A PRELIMINARY ANALYSIS OF POSSIBLE SYNERGIES THAT MIGHT EXIST  
51 BETWEEN THE CANAL SYSTEM/CANAL CORPORATION, AND POWER AUTHORITY OR OTHER  
52 ENTITIES.

53 (II) THE POWER AUTHORITY SHALL COMPLETE THE REPORT AND SUBMIT COPIES  
54 OF THE REPORT TO THE GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPO-  
55 RARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE ASSEMBLY, THE  
56 MINORITY LEADER OF THE SENATE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS

1 COMMITTEE, THE CHAIR OF THE SENATE FINANCE COMMITTEE, THE CHAIR OF THE  
2 ASSEMBLY ENERGY COMMITTEE AND THE CHAIR OF THE SENATE ENERGY COMMITTEE.

3 (D) A REQUIREMENT THAT THREE YEARS FROM THE ENACTMENT OF THIS SECTION,  
4 THE GOVERNOR AND THE LEGISLATURE SHALL ESTABLISH A TASK FORCE TO EXAMINE  
5 THE SUCCESS OR FAILURE OF THE INCORPORATION OF THE CANAL CORPORATION  
6 INTO THE POWER AUTHORITY AND THE TASK FORCE SHALL MAKE RECOMMENDATIONS  
7 REGARDING WHETHER TO ESTABLISH THE CANAL CORPORATION AS A SEPARATE ENTI-  
8 TY FROM THE POWER AUTHORITY.

9 S 2. Section 31 of part TT of chapter 54 of the laws of 2016, relating  
10 to eliminating the canal corporation, is amended to read as follows:

11 S 31. This act shall take effect on January 1, 2017; provided, howev-  
12 er, that sections five [and], twenty-eight AND THIRTY of this act shall  
13 take effect immediately.

14 S 3. This act shall take effect immediately.