

4501

2015-2016 Regular Sessions

I N S E N A T E

March 25, 2015

Introduced by Sen. RITCHIE -- 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 and the public authorities law, in relation to certain energy projects

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

1 Section 1. The public service law is amended by adding a new section
2 73 to read as follows:
3 S 73. COORDINATION WITH CERTAIN PROVISIONS OF THE PUBLIC AUTHORITIES
4 LAW. THE DEPARTMENT MAY REQUEST FROM THE POWER AUTHORITY OF THE STATE OF
5 NEW YORK A SUMMARY OF PROJECTS FOR WHICH IT HAS ISSUED BONDS PURSUANT TO
6 SUBDIVISION TWELVE OF SECTION ONE THOUSAND TEN OF THE PUBLIC AUTHORITIES
7 LAW. THE SUMMARY SHALL INCLUDE EACH PROJECT'S NAME, STREET ADDRESS,
8 COUNTY, DESCRIPTION, BOND AMOUNT, INTEREST RATE, AND DATE OF ISSUANCE.
9 THE POWER AUTHORITY OF THE STATE OF NEW YORK SHALL REPLY PURSUANT TO
10 PARAGRAPH (F) OF SUBDIVISION TWELVE OF SECTION ONE THOUSAND TEN OF THE
11 PUBLIC AUTHORITIES LAW, TO SUCH A REQUEST WITHIN THIRTY DAYS OF ITS
12 RECEIPT.
13 S 2. Section 1010 of the public authorities law is amended by adding a
14 new subdivision 12 to read as follows:
15 12. (A) FOR THE PURPOSES OF THIS SECTION, THE PROJECTS SET FORTH IN
16 THIS SUBDIVISION SHALL BE DEEMED TO BE PROJECTS THAT ARE AUTHORIZED BY
17 THIS TITLE.
18 (B) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE AUTHORI-
19 TY IS HEREBY AUTHORIZED FROM TIME TO TIME, AS DEEMED FEASIBLE AND ADVIS-
20 ABLE BY THE TRUSTEES, TO ISSUE ITS NEGOTIABLE BONDS, UPON SELECTION OF A
21 PROPOSAL SUBMITTED PURSUANT TO THE PROCEDURES DEVELOPED IN PARAGRAPH (D)
22 OF THIS SUBDIVISION, IN CONFORMITY WITH APPLICABLE PROVISIONS OF THE
23 UNIFORM COMMERCIAL CODE FOR THE PURPOSE OF FINANCING A REPOWERING
24 PROJECT, QUALIFIED ENERGY INFRASTRUCTURE INVESTMENT PROJECT, OR QUALI-

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

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1 FIED NEW CONSTRUCTION PROJECT AS SUCH TERMS ARE DEFINED IN THIS SUBDIVI-
2 SION AND WHICH ARE THE SUBJECT OF THE AFOREMENTIONED SELECTED PROPOSAL,
3 INCLUDING THE ACQUISITION OF ANY REAL OR PERSONAL PROPERTY OR FACILITIES
4 DEEMED NECESSARY BY THE AUTHORITY TO EFFECTUATE THE AFOREMENTIONED
5 SELECTED PROPOSAL.

6 (C) THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

7 (I) "REPOWERING PROJECT" SHALL MEAN IMPROVEMENTS TO AN EXISTING MAJOR
8 ELECTRIC GENERATING FACILITY THAT WILL ALLOW THE FACILITY, OR A NEW UNIT
9 OR UNITS AT THE FACILITY, OR THE COMBINATION OF THE NEW UNIT OR UNITS
10 AND THE FACILITY TO MEET THE RELEVANT ENVIRONMENTAL REQUIREMENTS
11 CONTAINED IN SUBPARAGRAPHS (I), (II), (III), AND (IV) OF PARAGRAPH (B)
12 OF SUBDIVISION FOUR OF SECTION ONE HUNDRED SIXTY-FIVE OF THE PUBLIC
13 SERVICE LAW.

14 (II) "QUALIFIED ENERGY INFRASTRUCTURE INVESTMENT PROJECT" SHALL MEAN
15 ANY INVESTMENT NEEDED TO DELIVER A NEW FUEL SOURCE TO AN EXISTING MAJOR
16 ELECTRIC GENERATING FACILITY, REPLACE OR RETROFIT A BURNER OR TURBINE,
17 UTILIZE ON-SITE RENEWABLE ENERGY GENERATION OR, ANY OTHER SUBSTANTIAL
18 INVESTMENT THAT WILL HAVE A DIRECT IMPACT ON THE FACILITY'S ABILITY TO
19 MEET THE ENVIRONMENTAL REQUIREMENTS CONTAINED IN SUBPARAGRAPHS (I),
20 (II), (III), AND (IV) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION
21 ONE HUNDRED SIXTY-FIVE OF THE PUBLIC SERVICE LAW.

22 (III) "QUALIFIED NEW CONSTRUCTION PROJECT" SHALL MEAN THE CONSTRUCTION
23 OF A NEW MAJOR ELECTRIC GENERATING FACILITY ON THE SAME PROPERTY AS AN
24 EXISTING FACILITY OR ON PROPERTY DIRECTLY ADJACENT OR CONTIGUOUS TO SAID
25 PROPERTY, WHERE THE NEW FACILITY BY ITSELF OR IN COMBINATION WITH THE
26 EXISTING FACILITY WILL ALLOW THE SITE AS A WHOLE TO MEET THE ENVIRON-
27 MENTAL REQUIREMENTS CONTAINED IN SUBPARAGRAPHS (I), (II), (III), AND
28 (IV) OF PARAGRAPH (B) OF SUBDIVISION FOUR OF SECTION ONE HUNDRED SIXTY-
29 FIVE OF THE PUBLIC SERVICE LAW.

30 (IV) "MAJOR ELECTRIC GENERATING FACILITY" SHALL MEAN A MAJOR ELECTRIC
31 GENERATING FACILITY AS DEFINED IN SECTION ONE HUNDRED SIXTY OF THE
32 PUBLIC SERVICE LAW.

33 (D) THE AUTHORITY IS HEREBY AUTHORIZED AND DIRECTED TO EXERCISE ALL
34 THE POWERS NECESSARY OR CONVENIENT TO CARRY OUT AND EFFECTUATE THE
35 PURPOSES AND PROVISIONS OF THIS SUBDIVISION; AND AS INCIDENTAL THERETO
36 AND CONSISTENT WITH THE PROVISIONS OF PARAGRAPH (E) OF THIS SUBDIVISION
37 TO DEVELOP AND ISSUE APPLICATION FORMS, TO ESTABLISH ELIGIBILITY CRITE-
38 RIA, TO ESTABLISH A COMPETITIVE SOLICITATION PROCESS AND EVALUATION
39 CRITERIA, TO COORDINATE WITH ANY OTHER PUBLIC ENTITY AS SUCH TERM IS
40 DEFINED IN SECTION ONE THOUSAND FIVE OF THIS TITLE, AND GENERALLY TO DO
41 ANY AND EVERYTHING NECESSARY OR CONVENIENT TO CARRY OUT THE PURPOSES OF
42 THIS SUBDIVISION.

43 (E) THE AUTHORITY SHALL CONDUCT COMPETITIVE SOLICITATIONS FOR
44 PROPOSALS, SUBMITTED BY MAJOR ELECTRIC GENERATING FACILITIES UNDERTAKING
45 ANY REPOWERING PROJECT, QUALIFIED ENERGY INFRASTRUCTURE INVESTMENT
46 PROJECT OR QUALIFIED NEW CONSTRUCTION PROJECT AS SUCH TERMS ARE DEFINED
47 IN THIS SUBDIVISION, FOR ASSISTANCE FROM NEGOTIABLE BONDS ISSUED BY THE
48 AUTHORITY PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION. SUCH COMPET-
49 ITIVE SOLICITATIONS SHALL BE DESIGNED IN A MANNER AND FORM TO BE DETER-
50 MINED BY THE AUTHORITY IN CONSULTATION WITH THE DEPARTMENT OF TAXATION
51 AND FINANCE, THE COMPTROLLER, AND THE PRESIDENT OF THE EMPIRE STATE
52 DEVELOPMENT CORPORATION. A SCHEDULE FOR SUCH COMPETITIVE SOLICITATIONS,
53 AWARD SELECTION, AND DISTRIBUTION OF FUNDS SHALL BE ESTABLISHED BY THE
54 AUTHORITY IN CONSULTATION WITH THE DEPARTMENT OF TAXATION AND FINANCE,
55 THE COMPTROLLER, AND THE PRESIDENT OF THE EMPIRE STATE DEVELOPMENT
56 CORPORATION. THE AUTHORITY SHALL RANK THE PROPOSALS IT RECEIVES IN

1 RESPONSE TO COMPETITIVE SOLICITATIONS AND CHOOSE THE HIGHEST RANKED
2 PROPOSALS MEASURED ON THE FOLLOWING CRITERIA TO BE CONSIDERED IN THE
3 AGGREGATE:

4 (I) THE AMOUNT OF ASSISTANCE REQUESTED IN PROPORTION TO THE TOTAL
5 QUANTITY OF MEGAWATTS OF NEW GENERATION CAPACITY THAT WILL BE
6 CONSTRUCTED;

7 (II) THE EXTENT TO WHICH AN AWARD WILL RESULT IN NEW CAPITAL INVEST-
8 MENT IN THE STATE BY THE APPLICANT;

9 (III) THE TYPE AND COST OF FACILITIES AND EQUIPMENT TO BE CONSTRUCTED,
10 ENLARGED OR INSTALLED IF THE APPLICANT WERE TO RECEIVE AN AWARD;

11 (IV) THE APPLICANT'S PAYROLL, SALARIES, BENEFITS AND NUMBER OF JOBS AT
12 THE FACILITY FOR WHICH AN AWARD IS REQUESTED;

13 (V) THE NUMBER OF JOBS THAT WILL BE CREATED OR RETAINED AS APPLICABLE
14 WITHIN THE STATE IN RELATION TO THE REQUESTED AWARD AND THE EXTENT TO
15 WHICH THE APPLICANT WILL AGREE TO COMMIT TO CREATING OR RETAINING AS
16 APPLICABLE SUCH JOBS AS A CONDITION TO RECEIVING AN AWARD;

17 (VI) WHETHER THE APPLICANT IS AT RISK OF CLOSING OR CURTAILING FACILI-
18 TIES OR OPERATIONS IN THE STATE, RELOCATING FACILITIES OR OPERATIONS OUT
19 OF THE STATE, OR LOSING A SIGNIFICANT NUMBER OF JOBS IN THE STATE, IN
20 THE ABSENCE OF AN AWARD;

21 (VII) THE SIGNIFICANCE OF THE APPLICANT'S FACILITY TO THE ECONOMY OF
22 THE AREA IN WHICH SUCH FACILITY IS LOCATED; AND

23 (VIII) THE EXTENT TO WHICH AN AWARD WILL RESULT IN AN ADVANTAGE FOR AN
24 APPLICANT IN RELATION TO THE APPLICANT'S COMPETITORS WITHIN THE STATE.

25 (F) THE AUTHORITY SHALL REPLY TO REQUESTS ISSUED TO IT BY THE DEPART-
26 MENT OF PUBLIC SERVICE, PURSUANT TO SECTION SEVENTY-THREE OF THE PUBLIC
27 SERVICE LAW, WITHIN THIRTY DAYS OF RECEIPT OF ANY SUCH REQUEST.

28 S 3. This act shall take effect on the ninetieth day after it shall
29 have become a law.