STATE OF NEW YORK

5494

2021-2022 Regular Sessions

IN SENATE

March 9, 2021

Introduced by Sen. O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations

AN ACT to amend the public lands law, in relation to the authority to grant property rights

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 3 of the public lands law is amended by adding a new subdivision 8 to read as follows:

8. (a) Notwithstanding any law, rule, regulation, policy, order or executive action to the contrary, the commissioner of general services shall not lease, or grant rights or easements to, the bed of Lake Champlain and to the bed of the Hudson River to any individual, trustee, partnership, association, corporation, company, municipality, political subdivision or other legal entity for laying an electric transmission line, including but not limited to a high voltage direct current electric transmission line, that enters commercial operation after the effective date of this subdivision, if such transmission line interconnects a location outside the territorial limits of the United States to a location within the state and such transmission line: (i) is not a merchant transmission line; or (ii) does not provide access within the upstate region to electric generating facilities located within the upstate region to transmit energy to a location within the downstate region.

(b) For the purposes of this subdivision, a "merchant transmission line" shall mean an electric transmission line and all related facilities, including but not limited to voltage source converter stations for a high voltage direct current transmission line, that: (i) are developed, financed, constructed, and operated without any reliance on cost-of-service rates set by either a federal or state regulatory entity; and (ii) are not included in the utility rate base, either directly or

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

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through a contractual arrangement between the developer of the transmission line and any agency, authority or other entity of the state, any municipal subdivision of the state, any utility subject to cost-based regulation, or any instrumentality of any of the foregoing.

(c) For the purposes of this subdivision, "upstate region" shall have the same meaning as in paragraph (b) of subdivision two of section 6-102 of the energy law, and "downstate region" shall have the same meaning as in paragraph (a) of subdivision two of section 6-102 of the energy law.

§ 2. This act shall take effect immediately.