

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:

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

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

18 (b) For the purposes of this subdivision, a "merchant transmission
19 line" shall mean an electric transmission line and all related facili-
20 ties, including but not limited to voltage source converter stations for
21 a high voltage direct current transmission line, that: (i) are devel-
22 oped, financed, constructed, and operated without any reliance on cost-
23 of-service rates set by either a federal or state regulatory entity; and
24 (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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1 through a contractual arrangement between the developer of the trans-
2 mission line and any agency, authority or other entity of the state, any
3 municipal subdivision of the state, any utility subject to cost-based
4 regulation, or any instrumentality of any of the foregoing.

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

9 § 2. This act shall take effect immediately.