

STATE OF NEW YORK

10162

IN ASSEMBLY

May 10, 2024

Introduced by COMMITTEE ON RULES -- (at request of M. of A. K. Brown) --
read once and referred to the Committee on Corporations, Authorities
and Commissions

AN ACT to amend the public authorities law, the executive law and the
state finance law, in relation to contracts entered into by the Long
Island Power Authority for emergency goods and services

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

1 Section 1. Section 1020-b of the public authorities law, as added by
2 chapter 517 of the laws of 1986, is amended by adding two new subdivi-
3 sions 25 and 26 to read as follows:

4 25. "Short-term public power purchase agreement" shall denote
5 contracts for the purchase, sale, or delivery of power or energy, fuel,
6 costs and services ancillary thereto, or financial products related
7 thereto, with a term of less than five years.

8 26. "Contracts for emergency goods or services" shall denote contracts
9 entered into for procurement of goods, services, or both, made to meet
10 emergencies arising from unforeseen causes or to effect repairs to crit-
11 ical infrastructure that are necessary to avoid delay in the delivery of
12 critical services that could compromise the public welfare.

13 § 2. Subdivision (h) of section 1020-f of the public authorities law,
14 as added by chapter 517 of the laws of 1986, is amended to read as
15 follows:

16 (h) To make and execute agreements, contracts and other instruments
17 necessary or convenient in the exercise of the powers and functions of
18 the authority under this title, including contracts with any person,
19 firm, corporation, municipality, state agency or other entity in accord-
20 ance with the provisions of section one hundred three of the general
21 municipal law, and all state agencies and all municipalities are hereby
22 authorized to enter into and do all things necessary to perform any such
23 agreement, contract or other instrument with the authority, except that
24 (i) the authority's contracts, other than as specified in paragraph (ii)
25 of this subdivision, shall only be subject to bidding requirements and
26 pre-audit requirements whenever such contract exceeds an amount estab-

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

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1 lished by the comptroller in consultation with the authority, and (ii)
2 the authority's contracts entered into for categories described in para-
3 graphs (c), (d) and (e) of subdivision three of section twenty-eight
4 hundred seventy-nine-a of this chapter, shall not be subject to the
5 bidding requirements or pre-audit requirements of the comptroller pursu-
6 ant to section one thousand twenty-mm of this title, but shall be
7 entered into pursuant to guidelines and thresholds established by the
8 comptroller in consultation with the authority. Any such contracts shall
9 be filed with the comptroller within sixty days after their execution;

10 § 3. Section 1020-cc of the public authorities law, as amended by
11 section 11 of part A of chapter 173 of the laws of 2013, is amended to
12 read as follows:

13 § 1020-cc. Authority subject to certain provisions contained in the
14 state finance law, the public service law, the social services law and
15 the general municipal law. 1. (a) All contracts of the authority shall
16 be subject to the provisions of the state finance law relating to
17 contracts made by the state. The authority shall also establish rules
18 and regulations with respect to providing to its residential gas, elec-
19 tric and steam utility customers those rights and protections provided
20 in article two and sections one hundred seventeen and one hundred eigh-
21 teen of the public service law and section one hundred thirty-one-s of
22 the social services law. The authority shall conform to any safety stan-
23 dards regarding manual lockable disconnect switches for solar electric
24 generating equipment established by the public service commission pursu-
25 ant to subparagraph (ii) of paragraph (a) of subdivision five and
26 subparagraph (ii) of paragraph (a) of subdivision five-a of section
27 sixty-six-j of the public service law. The authority shall let contracts
28 for construction or purchase of supplies, materials, or equipment pursu-
29 ant to section one hundred three and paragraph (e) of subdivision four
30 of section one hundred twenty-w of the general municipal law.

31 (b) Notwithstanding paragraph (a) of this subdivision, before any
32 contract made for or by the authority shall be executed or become effec-
33 tive, whenever such contract exceeds an amount established by the comp-
34 troller in consultation with the authority, it shall first be approved
35 by the office of the comptroller and filed in such office pursuant to
36 section one hundred twelve of the state finance law, except for catego-
37 ries described in paragraphs (c), (d) and (e) of subdivision three of
38 section twenty-eight hundred seventy-nine-a of this chapter which shall
39 not be subject to the bidding requirements or pre-audit requirements of
40 the comptroller pursuant to section one thousand twenty-mm of this
41 title, but shall be entered into pursuant to guidelines and thresholds
42 established by the comptroller in consultation with the authority, and
43 any collective bargaining agreements.

44 2. The authority [~~and service provider~~] shall provide to the state
45 comptroller on March thirty-first and September thirtieth of each year a
46 report documenting each contract in excess of two hundred fifty thousand
47 dollars per year entered into with a third party and related to manage-
48 ment and operation services associated with the authority's electric
49 transmission and distribution system, including the name of the third
50 party, the contract term and a description of services or goods to be
51 procured, and post such report on each of their websites. All contracts
52 necessary for conducting utility operations entered into between [~~the~~
53 ~~service provider~~] ServCo and third parties are not subject to the
54 requirements of subdivision one of this section.

55 § 4. Section 1020-mm of the public authorities law, as amended by
56 chapter 37 of the laws of 2023, is amended to read as follows:

1 § 1020-mm. Prioritization of emergency services. 1. Extraordinary
2 circumstances, including excessive costs, shortages of supply, and the
3 inflated price of fuel, may threaten the capacity to provide utility
4 service essential to the continued safety, health, prosperity, and well-
5 being of the people of Long Island, by reason of the interconnection and
6 interdependence of electric facilities, the reliability of such service
7 throughout the area require emergency action by the authority. It is
8 therefore declared that:

9 (a) If, during a widespread prolonged outage that affects at least
10 twenty thousand customers in the service territory of the authority, and
11 the [~~service provider~~] authority is not able to restore electric power
12 services within twenty-four hours to any affected police department,
13 fire department, ambulance service or advanced life support first
14 response service facility that is prewired with an appropriate transfer
15 switch for using an alternate generated power source, [~~such service~~
16 ~~provider~~] the authority shall notify the village, town or city in which
17 such facility is located.

18 [~~2-~~] (b) Towns, cities, and villages shall provide to counties, and
19 counties shall to the extent practicable, provide the [~~service provider~~]
20 authority and the division of homeland security and emergency services
21 with a list of such police departments, fire departments, ambulance
22 services and advanced life support first response services located with-
23 in such municipality's territorial boundaries within one year of the
24 effective date of this section, and periodically thereafter as necessary
25 to update such list.

26 [~~3-~~] (c) For the purposes of this section, "alternate generated power
27 source" shall mean electric generating equipment that is of the capacity
28 that is capable of providing adequate electricity to operate all life
29 safety systems and the basic operations of a police department, fire
30 department, ambulance service or advanced life support first response
31 service.

32 2. To the extent necessary, and pursuant to guidelines and thresholds
33 established by the comptroller in consultation with the authority, the
34 authority shall be entitled to enter into contracts for emergency goods
35 or services or short-term public power purchase agreements, without
36 being subject to the bidding requirements or pre-audit requirements of
37 the comptroller pursuant to subdivision three of section twenty-eight
38 hundred seventy-nine-a of this chapter in accordance with subdivision
39 (h) of section one thousand twenty-f of this title. This shall include
40 contracts entered into for the procurement of goods, services or both
41 goods and services made to meet emergencies arising from unforeseen
42 causes or to effect repairs to critical infrastructure that are neces-
43 sary to avoid a delay in the delivery of critical services that could
44 compromise the public welfare. Contracts entered into for emergency
45 goods or services or short-term public power purchase agreements shall
46 be pursuant to guidelines established by the comptroller and shall
47 require notice to the office of the state comptroller within forty-eight
48 hours.

49 § 5. Paragraph a of subdivision 9 of section 24 of the executive law,
50 as added by chapter 37 of the laws of 2023, is amended to read as
51 follows:

52 a. Whenever a local state of emergency is declared pursuant to this
53 section and upon receipt of notification by an electric corporation or
54 the [~~service provider~~] Long Island power authority, pursuant to section
55 seventy-three-a of the public service law or section one thousand twen-
56 ty-mm of the public authorities law, the chief executive shall coordi-

1 nate with affected police departments, fire departments, ambulance
2 services and advanced life support first response services prewired with
3 an appropriate transfer switch for using an alternate generated power
4 source for the emergency deployment of alternate generated power sourc-
5 es.

6 § 6. Paragraph (a) of subdivision 2 of section 112 of the state
7 finance law is amended by adding a new subparagraph (iii) to read as
8 follows:

9 (iii) Before the Long Island power authority enters into any contract
10 which exceeds an amount established by the comptroller in consultation
11 with such authority, it shall first be approved by the office of the
12 state comptroller and filed in such office, except that contracts
13 entered into for emergency goods and services or short-term public power
14 purchase contracts must comply with guidelines and thresholds estab-
15 lished by the comptroller in consultation with the Long Island power
16 authority. The Long Island power authority shall not be subject to the
17 fifty thousand dollar limitation set forth in clause one of subparagraph
18 (i) of this paragraph.

19 § 7. Severability. The provisions of this act shall be severable, and
20 if any clause, sentence, paragraph, subdivision, or part of this act
21 shall be adjudged by any court of competent jurisdiction to be invalid,
22 such judgment shall not affect, impair, or invalidate the remainder
23 thereof, but shall be confined in its operation to the clause, sentence,
24 paragraph, subdivision, or part thereof directly involved in the contro-
25 versy in which such judgment shall have been rendered.

26 § 8. This act shall take effect January 1, 2026.