STATE OF NEW YORK

4876--A

Cal. No. 876

2023-2024 Regular Sessions

IN SENATE

February 16, 2023

Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the public authorities law, in relation to the amount of St. Lawrence county economic development power that may be used by the New York Power Authority to generate net earnings; and to amend the economic development law, in relation to authority-TMED contracts

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

Section 1. Paragraph (c) of subdivision 24 of section 1005 of the public authorities law, as added by chapter 545 of the laws of 2014, is amended to read as follows:

(c) The authority shall establish an account to be known as the northern New York economic development fund, which shall consist solely of net earnings. The authority, as determined to be feasible and advisable by the trustees, shall deposit net earnings into the fund no less than quarterly, provided, however, that the amount of St. Lawrence county economic development power that may be used by the authority to generate net earnings shall not exceed the lesser of twenty megawatts or the amount of St. Lawrence county economic development power that has not been allocated by the authority under the authority-TMED contract for sub-allocations, [~~and provided further that beginning five years from the effective date of this subdivision, the amount of St. Lawrence county economic development power that may be used by the authority to generate net earnings shall not exceed the lesser of ten megawatts or the amount of St. Lawrence county economic development power that has not been allocated by the authority under the authority-TMED contract for sub-allocations~~] **or directly allocated by the authority to one or more qualified applicants under the authority-TMED contract**. At least

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

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fifteen percent of net earnings paid into the fund shall be dedicated to eligible projects which are energy-related projects, programs and services as such term is defined in subparagraph two of paragraph (b) of subdivision seventeen of this section. In addition to funding eligible projects, the authority may use northern New York economic development fund monies to cover reasonable costs and expenses of the authority related to the management and administration of the northern New York power proceeds allocation program created by article seven-A of the economic development law.

§ 2. Subdivision 2 of section 197-a of the economic development law, as added by chapter 545 of the laws of 2014, is amended to read as follows:

2. "Authority-TMED contract" refers to a certain contract between the authority and the town of Massena electric department, entitled "Agreement Governing the Sale of St. Lawrence-FDR Project Power and Energy to the Town of Massena Electric Department for Economic Development Purposes," executed and dated by the authority on October eighteenth, two thousand twelve, and the associated authority service tariff issued and effective August twenty-first, two thousand twelve**, and any extension or successor tariff and contract, described as such in such extension or successor tariff and contract, that expires on or before two thousand forty**.

§ 3. This act shall take effect immediately.