

# STATE OF NEW YORK

6498

2025-2026 Regular Sessions

## IN ASSEMBLY

March 5, 2025

Introduced by 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 Assembly, 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 subdivisions  
3 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 critical  
11 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 accordance  
20 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)

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

LBD10230-01-5

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

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

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

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

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

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

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

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

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

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

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

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

54 a. Whenever a local state of emergency is declared pursuant to this  
55 section and upon receipt of notification by an electric corporation or  
56 the [~~service provider~~] Long Island power authority, pursuant to section

1 seventy-three-a of the public service law or section one thousand twen-  
2 ty-mm of the public authorities law, the chief executive shall coordi-  
3 nate with affected police departments, fire departments, ambulance  
4 services and advanced life support first response services prewired with  
5 an appropriate transfer switch for using an alternate generated power  
6 source for the emergency deployment of alternate generated power sourc-  
7 es.

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

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

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

28 § 8. This act shall take effect January 1, 2027.