

8825

2009-2010 Regular Sessions

I N A S S E M B L Y

June 10, 2009

Introduced by M. of A. CAHILL, SILVER, FARRELL -- Multi-Sponsored by --  
M. of A. ALESSI, BENEDETTO, BOYLAND, CHRISTENSEN, CLARK, COLTON, CRES-  
PO, DESTITO, EDDINGTON, ENGLEBRIGHT, GABRYSZAK, GALEF, GORDON, JACOBS,  
JAFFEE, KOON, LANCMAN, LATIMER, LAVINE, LIFTON, LUPARDO, MARKEY, PHEF-  
FER, RAMOS, REILLY, RUSSELL, SCHIMEL, SKARTADOS, SPANO, STIRPE,  
TITONE, WEINSTEIN -- read once and referred to the Committee on Energy

AN ACT to amend the economic development law, chapter 316 of the laws of  
1997 amending the public authorities law and other laws relating to  
the provision of low cost power to foster statewide economic develop-  
ment, the tax law and chapter 645 of the laws of 2006 amending the  
economic development law and other laws relating to reauthorizing the  
New York power authority to make contributions to the general fund, in  
relation to extending the expiration of the power for jobs program and  
the energy cost savings benefits program; and to amend the public  
authorities law, in relation to authorizing an additional voluntary  
contribution into the state treasury under the power for jobs program;  
and to amend the public authorities law, in relation to an energy  
audit program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraphs 2 and 4 of subdivision (h) of section 183 of the  
2 economic development law, paragraph 2 as amended by section 1 of part Y  
3 of chapter 59 of the laws of 2008 and paragraph 4 as amended by chapter  
4 89 of the laws of 2007, are amended to read as follows:  
5 2. During the period commencing on November first, two thousand five  
6 and ending on [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN  
7 eligible businesses shall only include customers served under the power  
8 authority of the state of New York's high load factor, economic develop-  
9 ment power and other business customers served by political subdivisions  
10 of the state authorized by law to engage in the distribution of electric  
11 power that were authorized to be served by the authority from the

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

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1 authority's former James A. Fitzpatrick nuclear power plant as of the  
2 effective date of this subdivision whose power prices may be subject to  
3 increase before [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN.  
4 Provided, however, that the total amount of megawatts of replacement and  
5 preservation power which, due to the extension of the energy cost  
6 savings benefits, are not relinquished by or withdrawn from a recipient  
7 shall be deemed to be relinquished or withdrawn for purposes of offering  
8 such megawatts by the authority for reallocation pursuant to subdivision  
9 thirteen of section one thousand five of the public authorities law.  
10 Provided, further, that for any such reallocation, the authority shall  
11 maintain the same energy cost savings benefit level for all eligible  
12 businesses using any available authority resources as deemed feasible  
13 and advisable by the trustees pursuant to section seven of part U of  
14 chapter fifty-nine of the laws of two thousand six.

15 4. Applications for an energy cost savings benefit shall be in the  
16 form and contain such information, exhibits and supporting data as the  
17 board may prescribe. The board shall review the applications received  
18 and shall determine the applications which best meet the criteria estab-  
19 lished for the benefits pursuant to this subdivision and it shall recom-  
20 mend such applications to the power authority of the state of New York  
21 with such terms and conditions as it deems appropriate; provided, howev-  
22 er, that for energy cost savings benefits granted on or after June thir-  
23 tieth, two thousand [seven] NINE through [June thirtieth] MAY FIFTEENTH,  
24 two thousand [eight] TEN, the board shall expedite the awarding of such  
25 benefits and shall defer the review of compliance with such criteria  
26 until after the applicant has been awarded an energy cost savings bene-  
27 fit. Such terms and conditions shall include reasonable provisions  
28 providing for the partial or complete withdrawal of the energy cost  
29 savings benefit in the event the recipient fails to maintain mutually  
30 agreed upon commitments that may include, but are not limited to, levels  
31 of employment, capital investment and power utilization. Recommendation  
32 for approval of an energy cost savings benefit shall qualify an appli-  
33 cant to receive an energy cost savings benefit from the power authority  
34 of the state of New York pursuant to the terms and conditions of the  
35 recommendation.

36 S 2. The opening paragraph of paragraph 5 of subdivision (a) of  
37 section 189 of the economic development law, as amended by section 2 of  
38 part Y of chapter 59 of the laws of 2008, is amended to read as follows:

39 "Power for jobs electricity savings reimbursements" shall mean  
40 payments made by the power authority of the state of New York as recom-  
41 mended by the board to recipients of allocations of power under phases  
42 four and five of the power for jobs program for a period of time until  
43 November thirtieth, two thousand four, subsequent to the expiration of  
44 their phase four or five power for jobs contract provided however that  
45 any power for jobs recipient may choose to receive an electricity  
46 savings reimbursement as a substitute for a contract extension for the  
47 period from the date the recipient's contract expires through [June  
48 thirtieth] MAY FIFTEENTH, two thousand [nine] TEN. The "basic  
49 reimbursement" is an amount that when credited against the recipient's  
50 actual "unit cost of electricity" during a quarter (meaning the cost for  
51 commodity and delivery per kilowatt-hour for the quantity of electricity  
52 purchased and delivered under the power for jobs program during a simi-  
53 lar period in the final year of the recipient's contract), results in an  
54 effective unit cost of electricity during the quarter equal to the aver-  
55 age unit cost of electricity such recipient paid during the final year

1 of the contract for power allocated under phase four or five of the  
2 power for jobs program.

3 S 3. Subdivisions (f) and (l) of section 189 of the economic develop-  
4 ment law, as amended by section 3 of part Y of chapter 59 of the laws of  
5 2008, are amended to read as follows:

6 (f) Eligibility. The board shall recommend applications for allo-  
7 cations of power under the power for jobs program to or for the use of  
8 businesses which normally utilize a minimum peak electric demand in  
9 excess of four hundred kilowatts; provided, however, that up to one  
10 hundred megawatts of power available for allocation during the initial  
11 three phases of the power for jobs program may be recommended for allo-  
12 cations to not-for-profit corporations and to small businesses; and,  
13 provided, further that up to seventy-five megawatts of power available  
14 for allocation during the fourth phase of the program may be recommended  
15 for allocations to not-for-profit corporations and to small businesses.  
16 The board may require small businesses that normally utilize a minimum  
17 peak electric demand of less than one hundred kilowatts to aggregate  
18 their electric demand in amounts of no less than one hundred kilowatts,  
19 for the purposes of applying to the board for an allocation of power.  
20 The board shall recommend allocations of the additional three hundred  
21 megawatts available during the fourth phase of the program to any such  
22 eligible applicant, including any recipient of power allocated during  
23 the first phase of the program. The board shall recommend allocations of  
24 the additional one hundred eighty-three megawatts available during the  
25 fifth phase of the program to any eligible applicant, including any  
26 recipient of power allocated during the second and third phases of the  
27 program; provided, however, that the term of contracts for allocations  
28 under the fifth phase of the program shall in no case extend beyond  
29 [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN. Notwithstand-  
30 ing any provision of law to the contrary, and, in particular, the  
31 provisions of this chapter concerning the terms of contracts for allo-  
32 cations under the power for jobs program, the terms of any contract with  
33 a recipient of power allocated under phase two of the power for jobs  
34 program that has expired or will expire on or before the thirty-first  
35 day of August, two thousand two, may be extended by the power authority  
36 of the state of New York for an additional period of three months effec-  
37 tive on the date of such expiration, pending the filing and approval of  
38 an application by such recipient for an allocation under the fifth phase  
39 of the program. The term of any new contract with such recipient under  
40 the fifth phase of the program shall be deemed to include any three  
41 month contract extension made pursuant to this subdivision and the  
42 termination date of any such new contract under phase five shall be no  
43 later than if such new contract had commenced upon the expiration of the  
44 recipient's original phase two contract. The terms of any contract with  
45 a recipient of power allocated under phase four and/or phase five of the  
46 power for jobs program that has expired or will expire on or before the  
47 thirty-first day of December, two thousand five, may be extended by the  
48 power authority of the state of New York from a date beginning no earli-  
49 er than the first day of December, two thousand four and extending  
50 through [June thirtieth] MAY FIFTEENTH, two thousand [nine] TEN.

51 (l) The board shall solicit and review applications for the power for  
52 jobs electricity savings reimbursements and contract extensions from  
53 recipients of power for jobs allocations under phases four and five of  
54 the program for the award of such reimbursements and/or contract exten-  
55 sions. The board may prescribe a simplified form and content for an  
56 application for such reimbursements or extensions. An applicant shall be

1 eligible for such reimbursements and/or extensions only if it is in  
2 compliance with and agrees to continue to meet the job retention and  
3 creation commitments set forth in its prior power for jobs contract, or  
4 such other commitments as the board deems reasonable; provided, however,  
5 that for the power for jobs electricity savings reimbursements and  
6 contract extensions granted on or after June thirtieth, two thousand  
7 [seven] NINE through [June thirtieth] MAY FIFTEENTH, two thousand  
8 [eight] TEN, the board shall expedite the awarding of such reimburse-  
9 ments and/or extensions and shall defer the review of compliance with  
10 such commitments until after the applicant has been awarded a power for  
11 jobs electricity savings reimbursement and/or contract extension. The  
12 board shall review such applications and make recommendations for the  
13 award: 1. of such reimbursements through the power authority of the  
14 state of New York for a period of time up to November thirtieth, two  
15 thousand four, and 2. of such contract extensions or reimbursements as  
16 applied for by the recipient for a period of time beginning December  
17 first, two thousand four and ending [June thirtieth] MAY FIFTEENTH, two  
18 thousand [nine] TEN. At no time shall a recipient receive both a  
19 reimbursement and extension after December first, two thousand four. The  
20 power authority of the state of New York shall receive notification from  
21 the board regarding the award of power for jobs electricity savings  
22 reimbursements and/or contract extensions.

23 S 4. Section 9 of chapter 316 of the laws of 1997 amending the public  
24 authorities law and other laws relating to the provision of low cost  
25 power to foster statewide economic development, as amended by section 4  
26 of part Y of chapter 59 of the laws of 2008, is amended to read as  
27 follows:

28 S 9. This act shall take effect immediately and shall expire and be  
29 deemed repealed [June 30] MAY 15, [2009] 2010.

30 S 5. Subdivision 9 of section 186-a of the tax law, as amended by  
31 section 5 of part Y of chapter 59 of the laws of 2008, is amended to  
32 read as follows:

33 9. Notwithstanding any other provision of this chapter or any other  
34 law to the contrary, for taxable periods nineteen hundred ninety-seven  
35 through and including two thousand [nine] TEN, any utility which deliv-  
36 ers power under the power for jobs program, as established by section  
37 one hundred eighty-nine of the economic development law, shall be  
38 allowed a credit, subject to the limitations thereon contained in this  
39 subdivision, against the tax imposed under this section equal to net  
40 lost revenues from the delivery of power under such power for jobs  
41 program. Net lost revenues means the "net receipts" less "net utility  
42 revenue" from such delivery of power. For purposes of this subdivision,  
43 "net receipts" shall mean the amount that the utility would have other-  
44 wise received from customers receiving power pursuant to allocations by  
45 the New York state economic development power allocation board in  
46 accordance with section one hundred eighty-nine of the economic develop-  
47 ment law, or from customers whose allocation has been transferred to an  
48 energy service company, or from energy service companies to which such  
49 allocation has been transferred, pursuant to its tariff supervised by  
50 the public service commission for substantially comparable service  
51 otherwise applicable to such customers or energy service companies in  
52 the absence of such designation, less the utility's annual average  
53 incremental short-term variable and capacity costs of providing such  
54 power in the absence of such purchase. For the purposes of this subdivi-  
55 sion, "net utility revenue" shall mean the revenues the utility actually  
56 receives in accordance with such section one hundred eighty-nine from

1 such customers so designated by the New York state economic development  
2 power allocation board or from customers whose allocation has been  
3 transferred to an energy service company, or from the energy service  
4 companies to which a power for jobs allocation has been transferred,  
5 less the utility's cost of such power under such program. Provided,  
6 however, that any credit under this section shall be used only with  
7 respect to the same taxable year during which such credit arose and  
8 shall not be capable of being carried forward or backward to any other  
9 taxable period. Nor shall any credit be allowed to any utility for the  
10 total amount of power, expressed in kilowatt hours, purchased by the  
11 customers of such utility under such program during the taxable period  
12 that exceeds the prorated "baseline energy use" by all customers of that  
13 utility purchasing power under such program during the taxable period.  
14 "Baseline energy use" with respect to each customer shall mean the larg-  
15 est amount of kilowatt hours of energy used by such customer during any  
16 twelve consecutive month period occurring during the preceding thirty  
17 months immediately preceding the New York state economic development  
18 power allocation board's recommendation of such customer's application,  
19 prorated to reflect the length of time of the customer's participation  
20 in such program during the taxable period. Provided further, however,  
21 that in accordance with subdivision (k) of section one hundred eighty-  
22 nine of the economic development law no tax credit shall be available  
23 for any revenue losses when a utility has declined to purchase power  
24 allocated for sale under such program. No electric corporation shall be  
25 allowed the tax credit authorized by this subdivision until it shall  
26 file a certificate from the department of public service for the period  
27 covered by the return verifying that the calculation of such tax credit  
28 complies with this subdivision and the department of public service has  
29 approved such certificate and forwarded a copy of such approved certif-  
30 icate to the commissioner or any amended certificate resulting from the  
31 need for correction. The credit allowed by this subdivision shall not be  
32 applicable in calculating any other tax imposed or authorized to be  
33 imposed by this chapter or any other law, and the amount of the tax  
34 surcharge imposed under section one hundred eighty-six-c of this article  
35 shall be calculated and payable as if the credit provided for by this  
36 subdivision were not allowed.

37 S 6. Section 11 of chapter 645 of the laws of 2006 amending the  
38 economic development law and other laws relating to reauthorizing the  
39 New York power authority to make contributions to the general fund, as  
40 amended by section 6 of part Y of chapter 59 of the laws of 2008, is  
41 amended to read as follows:

42 S 11. This act shall take effect immediately and shall be deemed to  
43 have been in full force and effect on and after April 1, 2006; provided,  
44 however, that the amendments to section 183 of the economic development  
45 law and subparagraph 2 of paragraph g of the ninth undesignated para-  
46 graph of section 1005 of the public authorities law made by sections two  
47 and six of this act shall not affect the expiration of such section and  
48 subparagraph, respectively, and shall be deemed to expire therewith;  
49 provided further, however, that the amendments to section 189 of the  
50 economic development law and subdivision 9 of section 186-a of the tax  
51 law made by sections three, four, five and ten of this act shall not  
52 affect the repeal of such section and subdivision, respectively, and  
53 shall be deemed to be repealed therewith; provided further, however,  
54 that section seven of this act shall expire and be deemed repealed [June  
55 30] MAY 15, [2009] 2010.

1 S 7. Subparagraph 2 of paragraph g of the ninth undesignated para-  
2 graph of section 1005 of the public authorities law, as amended by  
3 section 7 of part Y of chapter 59 of the laws of 2008, is amended to  
4 read as follows:

5 2. The authority, as deemed feasible and advisable by the trustees, is  
6 authorized to make payments to recipients of the power for jobs elec-  
7 tricity savings reimbursements and additional annual voluntary contrib-  
8 utions into the state treasury to the credit of the general fund. The  
9 authority shall make such contributions to the state treasury no later  
10 than ninety days after the end of the calendar year in which a credit  
11 under subdivision nine of section one hundred eighty-six-a of the tax  
12 law is available: (a) for the additional three hundred megawatts of  
13 power under the fourth phase of the program provided under chapter  
14 sixty-three of the laws of two thousand and under the fifth phase for  
15 the additional one hundred eighty-three megawatts provided under chapter  
16 two hundred twenty-six of the laws of two thousand two; and (b) for any  
17 extension of any contract for allocations under the fourth phase of the  
18 program and under the fifth phase of the program. Payments for any elec-  
19 tricity savings reimbursement under section one hundred eighty-nine of  
20 the economic development law shall be made pursuant to such section.  
21 Such annual contributions shall be equal to fifty percent of the total  
22 amount of such credits available each year to all local distributors of  
23 electricity. In addition, such authorization for contribution in state  
24 fiscal year two thousand two--two thousand three shall be equal to the  
25 total amount of credit available in two thousand one and two thousand  
26 two; and such authorization for contribution in state fiscal year two  
27 thousand three--two thousand four shall be equal to the total amount of  
28 credit available in two thousand three; under subdivision nine of  
29 section one hundred eighty-six-a of the tax law under the fourth phase  
30 of the program for the additional three hundred megawatts provided under  
31 chapter sixty-three of the laws of two thousand and under the fifth  
32 phase for the additional one hundred eighty-three megawatts provided  
33 under chapter two hundred twenty-six of the laws of two thousand two. In  
34 state fiscal year two thousand four--two thousand five, such authorized  
35 annual contribution shall be equal to one hundred percent of the total  
36 amount of such credits available each year to all local distributors of  
37 electricity. Such authorization for contribution in state fiscal years  
38 two thousand four and two thousand five shall be equal to the total  
39 amount of credit available in two thousand four and two thousand five;  
40 under subdivision nine of section one hundred eighty-six-a of the tax  
41 law under the fourth phase of the program for the additional three  
42 hundred megawatts provided under chapter sixty-three of the laws of two  
43 thousand and under the fifth phase for the additional one hundred eight-  
44 y-three megawatts provided under chapter two hundred twenty-six of the  
45 laws of two thousand two. In addition, such authorization for contrib-  
46 ution for any extension of any contract for allocations under the fourth  
47 phase of the program and under the fifth phase of the program in each  
48 state fiscal year shall be equal to the total amount of credit or  
49 reimbursement available in state fiscal year two thousand four--two  
50 thousand five, state fiscal year two thousand five--two thousand six and  
51 two thousand six--two thousand seven. Additionally, notwithstanding any  
52 other section of law, the authority is authorized to make a contribution  
53 in an amount related to total amounts of credit received under phases  
54 one, two, three, four and five of the program. In no case shall the  
55 contribution for state fiscal year two thousand five--two thousand six  
56 be less than seventy-five million dollars. The contribution for state

1 fiscal year two thousand six--two thousand seven shall be one hundred  
2 million dollars. The contribution for state fiscal year two thousand  
3 seven--two thousand eight shall be thirty million dollars. The contrib-  
4 ution for state fiscal year two thousand eight--two thousand nine shall  
5 be twenty-five million dollars. THE CONTRIBUTION FOR STATE FISCAL YEAR  
6 TWO THOUSAND NINE--TWO THOUSAND TEN SHALL BE TWELVE MILLION FIVE HUNDRED  
7 THOUSAND DOLLARS. The department of public service shall estimate the  
8 payment due by the end of the calendar year in which the credit is  
9 available. In no case shall the amount of the total annual contributions  
10 for the years during which delivery and sale of power associated with  
11 all power for jobs phases and any extensions thereof takes place exceed  
12 the aggregate total of four hundred [forty-nine] SIXTY-ONE million FIVE  
13 HUNDRED THOUSAND dollars.

14 S 8. Section 182 of the economic development law, as amended by chap-  
15 ter 289 of the laws of 2000, is amended to read as follows:

16 S 182. The New York state economic development power allocation board.  
17 There is hereby created a New York state economic development power  
18 allocation board, which shall possess the powers and duties herein spec-  
19 ified and all the powers necessary or proper to carry out the purposes  
20 of this article. The board shall consist of [four] SIX members, two of  
21 whom shall be appointed by the governor and [one] TWO of whom shall be  
22 appointed by the speaker of the assembly and [one] TWO of whom shall be  
23 appointed by the president pro tempore of the senate. Each member shall  
24 be appointed for terms of three years or until a successor shall have  
25 been named and qualified. The chairman shall be designated by the gover-  
26 nor from amongst the members. [Three] FOUR members shall constitute a  
27 quorum for the purposes of organizing the board and conducting the busi-  
28 ness thereof; and no actions of the board may be taken except upon the  
29 affirmative vote of at least [three] FOUR members. Videoconferencing may  
30 be used for attendance and participation by members of the board. If  
31 videoconferencing is used the board shall provide an opportunity for the  
32 public to attend, listen and observe at any site at which a member  
33 participates. The public notice for the meeting shall inform the public  
34 that [vidioconferencing] VIDEOCONFERENCING will be used, identify the  
35 locations for the meeting, and state that the public has the right to  
36 attend the meeting at any of the locations. Members of the board, except  
37 those who are employees or officers of the state, its authorities or  
38 agencies shall not receive a salary or other compensation, but shall be  
39 allowed the necessary and actual expenses incurred in the performance of  
40 duties under this article.

41 S 9. Section 1005 of the public authorities law is amended by adding a  
42 new subdivision 16 to read as follows:

43 16. THE AUTHORITY SHALL CREATE AN ENERGY AUDIT PROGRAM FOR THE RECIPI-  
44 ENTS OF THE AUTHORITY'S LOW COST POWER PROGRAMS.

45 A. TO ENSURE THE MOST JUDICIAL AND PRUDENT USE OF ENERGY RESOURCES, A  
46 REQUIREMENT FOR ONGOING PARTICIPATION IN ECONOMIC DEVELOPMENT POWER,  
47 EXPANSION POWER, REPLACEMENT POWER, PRESERVATION POWER, HIGH LOAD FACTOR  
48 POWER, MUNICIPAL DISTRIBUTION AGENCY POWER AND THE POWER FOR JOBS  
49 PROGRAMS, RECIPIENTS OF BENEFITS UNDER SUCH PROGRAMS SHALL UNDERGO ENER-  
50 GY AUDITS AS DESCRIBED IN PARAGRAPH B OF THIS SUBDIVISION.

51 B. THE AUTHORITY SHALL PERFORM OR CAUSE TO BE PERFORMED ENERGY AUDITS  
52 FOR ALL RECIPIENTS OF ECONOMIC DEVELOPMENT POWER, EXPANSION POWER,  
53 REPLACEMENT POWER, PRESERVATION POWER, HIGH LOAD FACTOR POWER, MUNICIPAL  
54 DISTRIBUTION AGENCY POWER AND POWER UNDER THE POWER FOR JOBS PROGRAMS.  
55 THE AUDITS SHALL ASSESS A RECIPIENT'S ELECTRICITY USE TO DETERMINE (I)  
56 POSSIBLE ENERGY CONSERVATION AND EFFICIENCY MEASURES THAT MAY BE

1 INSTALLED AND (II) THE FEASIBILITY OF ONSITE POWER GENERATION FOR  
2 COMBINED HEAT AND POWER AND/OR DISTRIBUTED GENERATION PURPOSES. RECIPI-  
3 ENTS THAT HAVE HAD AN ENERGY AUDIT PERFORMED UP TO TWO YEARS PRIOR TO  
4 THE EFFECTIVE DATE OF THIS SUBDIVISION MAY BE CONSIDERED TO HAVE SATIS-  
5 FIED THE REQUIREMENTS OF THIS SUBDIVISION, IF THE AUTHORITY FINDS THE  
6 AUDIT TO BE SUFFICIENT.

7 C. THE AUTHORITY SHALL COMPLETE AND SUBMIT AN ANNUAL PROGRESS REPORT  
8 ON THE ENERGY AUDIT PROGRAM TO THE GOVERNOR, THE SPEAKER OF THE ASSEM-  
9 BLY, THE TEMPORARY PRESIDENT OF THE SENATE, THE MINORITY LEADER OF THE  
10 SENATE, AND THE MINORITY LEADER OF THE ASSEMBLY, THE CHAIR OF THE SENATE  
11 FIANCEE COMMITTEE, THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE,  
12 THE CHAIR OF THE ASSEMBLY ENERGY COMMITTEE AND THE CHAIR OF THE SENATE  
13 ENERGY AND TELECOMMUNICATIONS COMMITTEE AND THE STATE COMPTROLLER BY  
14 DECEMBER THIRTIETH, TWO THOUSAND NINE AND ON SUCH DATE EVERY YEAR HERE-  
15 AFTER UNTIL ALL RECIPIENTS HAVE COMPLETED THE AUDIT PROGRAM.

16 S 10. (a) The department of economic development and the power author-  
17 ity of the state of New York shall complete and submit a report on the  
18 power authority's low cost power programs. The report shall examine the  
19 replacement, expansion, preservation power programs, the industrial  
20 economic development power program, the power for jobs programs, and the  
21 economic cost saving benefits power programs. Information to be  
22 presented in the report shall reflect the state of the programs as of  
23 June 30, 2009 and the year prior and shall include but not be limited  
24 to:

- 25 i. a short history of the programs;
- 26 ii. a complete list of all recipients of these programs grouped by  
27 program;
- 28 iii. the city or town and county of each recipient;
- 29 iv. the allocation allotted to each recipient;
- 30 v. annualized retail value for each recipient's allocation;
- 31 vi. the metric for calculating the annualized retail value;
- 32 vii. the original employment commitment from each recipient;
- 33 viii. the current employment level for each recipient; and
- 34 ix. an assessment by the department of economic development of the  
35 efficacy of the power programs to create or maintain jobs in New York  
36 state realizing ongoing economic conditions.

37 The report shall also include a brief description of the preference  
38 power program including the total power available to the program as  
39 measured in megawatts, the total power used by the program as measured  
40 in megawatt hours for the program as a whole and by utility service  
41 area, an estimated annualized retail value for the program and the  
42 metric for calculating that value.

43 The report shall be submitted by September 30, 2009 to the governor,  
44 the speaker of the assembly, the temporary president of the senate, the  
45 minority leader of the senate, the minority leader of the assembly, the  
46 chair of the senate finance committee, the chair of the assembly ways  
47 and means committee, the chair of the assembly energy committee, the  
48 chair of the senate energy and telecommunications committee, and the  
49 state comptroller and shall be made available on the authority's website  
50 and, except for the program's summaries, the report's information shall  
51 be presented in a spreadsheet format.

52 (b) The power authority of the state of New York shall provide copies  
53 of all reports required by subdivision 14 of section 1005 of the public  
54 authorities law, for the year 2006, 2007, 2008 and 2009 to the governor,  
55 the speaker of the assembly, the temporary president of the senate, the  
56 minority leader of the senate, and the minority leader of the assembly,

1 the chair of the senate finance committee, the chair of the assembly  
2 ways and means committee, the chair of the assembly energy committee and  
3 the chair of the senate energy and telecommunications committee, and the  
4 state comptroller by September 30, 2009.

5 (c) The power authority of the state of New York shall submit a report  
6 or reports detailing in full the energy procurement practices, including  
7 all supply side and demand side activities, the authority uses to meet  
8 the capacity and needs of their customers, and a complete and detailed  
9 report or reports on the authority's commodity pricing practices. The  
10 report shall be submitted to the governor, the speaker of the assembly,  
11 the temporary president of the senate, the minority leader of the  
12 senate, and the minority leader of the assembly, the chair of the senate  
13 finance committee, the chair of the assembly ways and means committee,  
14 the chair of the assembly energy committee and the chair of the senate  
15 energy and telecommunications committee, and the state comptroller by  
16 September 30, 2009.

17 S 11. Severability clause. If any clause, sentence, paragraph, subdi-  
18 vision, section or part of this act shall be adjudged by any court of  
19 competent jurisdiction to be invalid, such judgment shall not affect,  
20 impair, or invalidate the remainder thereof, but shall be confined in  
21 its operation to the clause, sentence, paragraph, subdivision, section  
22 or part thereof directly involved in the controversy in which such judg-  
23 ment shall have been rendered. It is hereby declared to be the intent of  
24 the legislature that this act would have been enacted even if such  
25 invalid provisions had not been included therewith.

26 S 12. This act shall take effect immediately; provided that the amend-  
27 ments to sections 183 and 189 of the economic development law, subdivi-  
28 sion 9 of section 186-a of the tax law and subparagraph 2 of paragraph g  
29 of the ninth undesignated paragraph of section 1005 of the public  
30 authorities law, made by sections one, two, three, five and seven of  
31 this act, shall not affect the expiration of such provisions and shall  
32 be deemed repealed therewith.