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IN ASSEMBLY

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Introduced by M. of A. CARROLL, COLTON, DINOWITZ, GOTTFRIED, KIM, COOK, DICKENS, SIMON, STIRPE, BARNWELL, CRUZ, L. ROSENTHAL, WEPRIN, ROZIC, MAMDANI, FORREST, GALLAGHER, ANDERSON, EPSTEIN, GONZALEZ-ROJAS, MITAYNES, FRONTUS, JACKSON, BURDICK, WALKER, SILLITTI, ENGLEBRIGHT, J. RIVERA, LAVINE, THIELE, FERNANDEZ, STECK, QUART, CLARK, SEAWRIGHT, DAVILA, RAMOS, BURGOS, PHEFFER AMATO, KELLES, GALEF, SEPTIMO, NIOU, GLICK, EICHENSTEIN, CYMBROWITZ, BURKE, OTIS, SOLAGES, ABINANTI, DILAN, JACOBSON, GIBBS, DE LOS SANTOS, CUNNINGHAM, REYES, TAPIA, ZINERMAN -- Multi-Sponsored by -- M. of A. HEVESI, HYNDMAN -- read once and referred to the Committee on Corporations, Authorities and Commissions -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Corporations, Authorities and Commissions in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to implementing the "New York State Build Public Renewables Act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "New York State Build Public Renewables Act".

3 § 2. Section 1005 of the public authorities law is amended by adding
4 thirteen new subdivisions 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41
5 and 42 to read as follows:

6 30. (a) The authority is authorized and directed to purchase, acquire,
7 plan, design, engineer, finance, construct, operate, manage, improve
8 and/or maintain any renewable energy project.

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

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1 (b) For the purposes of this subdivision and subdivisions thirty-one,
2 thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-
3 seven, thirty-eight, thirty-nine, forty, forty-one and forty-two of this
4 section, the following terms shall have the following meanings:

5 (i) "renewable energy" shall have the same meaning as renewable energy
6 systems as set forth in section sixty-six-p of the public service law.

7 (ii) "renewable energy project" shall be defined as all infrastructure
8 which generates, stores, distributes or transmits renewable energy or
9 thermal energy as defined in subparagraph (i) of this paragraph, and
10 includes the construction, installation and/or operation of ancillary
11 facilities or equipment done in connection with any such renewable ener-
12 gy generating projects, including, but not limited to, energy storage
13 systems, electric vehicle charging infrastructure and offshore wind
14 support and installation vessels owned by the authority, and the
15 production, use, and sale of green hydrogen defined as hydrogen produced
16 through electrolysis powered using one hundred percent renewable energy.

17 31. Where a renewable energy site appropriate for New York state falls
18 into federal jurisdiction, the authority may participate in lease
19 auctions in an attempt to obtain ownership of that area.

20 32. (a) Notwithstanding any other provision of law, the authority
21 shall, on or after January first, two thousand thirty, only generate
22 renewable energy and shall only purchase, acquire, plan, design, engi-
23 neer, finance, and construct generation and transmission facilities for
24 the purpose of generating, storing, distributing and transmitting renew-
25 able energy. The authority shall phase out its use of existing non-re-
26 newable generation no later than December thirtieth, two thousand thir-
27 ty, unless the authority provides to its trustees, and makes publicly
28 available, an attestation in writing, signed by the independent system
29 operator and a representative of the regional clean energy hub in which
30 the facility is located, identifying the existence of a reliability
31 need. The authority shall work with the New York state energy research
32 and development authority to provide any funding necessary for a
33 regional clean energy hub to meet the needs of this subdivision. The
34 authority, in consultation with the independent system operator, shall
35 ensure that the phase out of its existing non-renewable generation does
36 not lead to an increase in the delivery of out-of-state non-renewable
37 generation into the New York state electric grid. For the purposes of
38 this subdivision, a "reliability need" means an electricity system need,
39 which if unmet, would result in a violation of the electric power system
40 planning and operating policies, standards, criteria, guidelines, proce-
41 dures, and rules promulgated by the North American Electric Reliability
42 Corporation ("NERC"), Northeast Power Coordinating Council ("NPCC"), and
43 the New York State Reliability Council ("NYSRC"), as they may be amended
44 from time to time.

45 (b) The authority shall prioritize funding, siting, building, and
46 owning renewable energy projects which: (i) actively benefit disadvan-
47 tagged communities as defined by the climate justice working group; (ii)
48 minimize harm to wildlife, ecosystems, public health, and public safety;
49 (iii) do not violate Indigenous rights or sovereignty; and (iv) which
50 are the most cost-effective to the state according to the best available
51 cost modeling research. The types of renewable energy projects the
52 authority builds shall be determined and prioritized in consultation
53 with affected labor unions and community organizations via the New York
54 state energy research and development authority's regional clean energy
55 hubs.

1 33. (a) Within two years of the effective date of this subdivision,
2 the authority shall make public a ten-year climate and resiliency plan.
3 Such climate and resiliency plan shall be designed to minimize costs to
4 ratepayers, while balancing the interests of employees, grid reliability
5 and resiliency, disadvantaged communities as defined by the climate
6 justice working group, and the environment. Such plan shall be developed
7 in consultation with the New York state independent system operator,
8 the New York state energy research and development authority, the
9 New York state department of public service, and climate and resiliency
10 experts, labor organizations, environmental justice communities, resi-
11 dential and small business ratepayer advocates, and community organiza-
12 tions via the New York state energy research and development authori-
13 ty's regional clean energy hubs. Such resiliency plan shall outline the
14 renewable energy projects the authority plans to build, how the authori-
15 ty plans to phase out non-renewable assets and how the authority plans
16 to comply with the climate leadership and community protection act and
17 the renewable energy targets in subdivisions thirty-two and thirty-four
18 of this section, and efforts to improve energy and electric grid resili-
19 ency. The authority shall update such plan annually, after public
20 comment and a hearing. Such updated plan shall include a review of the
21 state's progress towards the renewable energy goals of the climate lead-
22 ership and community protection act. If the authority, in consultation
23 with the New York state energy research and development authority,
24 determines that the renewable energy goals of the climate leadership and
25 community protection act are not likely to be met within the timeframe
26 established by the law, the authority shall include in the updated plan
27 the renewable energy projects it plans to build to ensure the state
28 meets such goals, including the permit applications submitted, the stage
29 of each project in the development process, when such projects are
30 expected to be commissioned, and any barriers to deployment experienced
31 by the authority. If the authority has identified a reliability need to
32 maintain its existing non-renewable generation pursuant to subdivision
33 thirty-two of this section, the authority shall identify in the annual
34 report the renewable energy project, energy storage project, trans-
35 mission or distribution infrastructure, demand response, or other such
36 project or projects that the authority, or another entity, only if such
37 entity has obtained all the necessary permits and has begun
38 construction, plans to develop to meet the reliability need.

39 (b) Within two years of the effective date of this subdivision, the
40 authority shall make public a democratization plan, with a mandate to
41 implement the plan within two years of its completion. Such plan shall
42 be created in partnership with, and codesigned with, a statewide alli-
43 ance of community organizations with at least five years' history of
44 working on energy democracy and implementation issues, providing funding
45 for this alliance as necessary for their participation in the completion
46 of the plan. Such plan shall ensure that the scale up of renewable build
47 out across the state occurs in line with the principles of energy democ-
48 racy and transparency.

49 (c) The authority shall hold at least eight public hearings within two
50 years of the effective date of this subdivision related to the climate
51 and resiliency plan. The hearing shall be publicized in various forms
52 of media, including but not limited to the authority's website, local
53 newspapers and social media platforms, and shall also be accessible via
54 livestream. In advance of such hearing, the authority shall conspicu-
55 ously post written notice of such hearing in all authority facilities
56 and New York state energy research and development authority regional

1 clean energy hubs on a sign posted at each facility entrance and exit
2 used by employees, and shall provide at least two weeks advance notice
3 of such hearing to authority customers by directly communicating such
4 notice to customer phone, email and mailing lists. Hearings shall be
5 permitted between 12:00 PM to 3:00 PM and 6:00 PM to 9:00 PM, and the
6 authority shall provide all speakers with the option to sign up to speak
7 within those three hour windows such that no speaker shall wait longer
8 than three hours to speak. In addition to oral testimony, written
9 testimony from the public for such hearings shall be accepted by the
10 authority no less than two weeks after each hearing. Each speaker shall
11 have at least three minutes to speak, and a remote option shall be
12 provided for submitting comments via video conference, phone, including
13 short message services (SMS) text messages and/or written comment, which
14 shall be read aloud. Provisions for translation services, American sign
15 language interpretation, closed captioning, and access to accommodations
16 provided by the Americans with Disabilities Act shall be provided upon
17 request.

18 (d) The authority shall maintain all data, meeting minutes, recordings
19 and documents that do not include personal customer information, includ-
20 ing but not limited to depreciation schedules, annual financial state-
21 ments of itemized spending, environmental impact statements, cost-bene-
22 fit analyses, climate and resiliency plans, renewable energy project
23 plans, and annual reports on operations, customer service, reliability,
24 resiliency and sustainability. All such data, meeting minutes,
25 recordings and documents shall be made available on the authority's
26 website, or otherwise made accessible by the authority upon request.
27 All such records shall be maintained as business records for a minimum
28 of ten years. The state comptroller shall audit the authority at least
29 once every two years until two thousand thirty to ascertain whether the
30 authority is in compliance with the renewable energy targets outlined in
31 this subdivision and subdivisions thirty-two, thirty-four and thirty-
32 five of this section and whether the authority's spending and operations
33 are effectively and efficiently promoting the common good. The most
34 recent comptroller audits shall also be made available on the authori-
35 ty's website, or otherwise made accessible by the authority upon
36 request.

37 (e) (i) The authority, in consultation with the New York state energy
38 research and development authority and the public service commission,
39 shall develop and conduct an energy efficiency and energy audit program
40 to identify public buildings most in need of retrofits and efficiency
41 measures. Such program shall provide for the installation of renewable
42 heating and cooling systems, and, when feasible, other green building
43 projects as defined in section 58-0101 of the environmental conservation
44 law, in public housing and public schools by the year two thousand thir-
45 ty-five, prioritizing first public affordable housing and public schools
46 in disadvantaged communities. The authority shall hire authority employ-
47 ees or contractors to perform energy audits, retrofits and other effi-
48 ciency programs for these buildings, and provide incentives, in conjunc-
49 tion with the New York state energy research and development authority,
50 for energy efficient appliances and induction stoves, as needed, to meet
51 the climate goals outlined in the climate leadership and community
52 protection act. If the buildings selected for this program need mold
53 remediation measures or lead abatement measures to be carried out before
54 energy efficiency measures can be safely implemented, the authority
55 shall also hire employees or contractors to perform lead abatement meas-
56 ures and/or mold remediation measures for these buildings.

1 (ii) The authority shall annually post on its website a report evalu-
2 ating the energy efficiency program, including, but not limited to, the
3 number of customers served by the efficiency program, the customer demo-
4 graphics, the number of retrofits and energy audits performed, the
5 number of jobs created and employee demographics, and the amount of
6 energy and dollars saved as a result of the program.

7 (iii) All work subject to this subdivision shall be considered public
8 work, subject to articles eight and nine of the labor law, and shall
9 utilize a project labor agreement. For purposes of this subdivision,
10 "project labor agreement" shall mean a pre-hire collective bargaining
11 agreement between the authority, or a third party on behalf of the
12 authority, and a bona fide building and construction trade labor organ-
13 ization establishing the labor organization as the collective bargaining
14 representative for all persons who will perform work on a public work
15 project, and which provides that only contractors and subcontractors who
16 sign a pre-negotiated agreement with the labor organization can perform
17 project work. All contractors and subcontractors associated with this
18 work shall be required to utilize apprenticeship agreements as defined
19 by article twenty-three of the labor law.

20 (f) The authority shall submit an annual report to the governor and to
21 the legislature which shall be made available to the public. Such report
22 shall include the:

23 (A) Ten year climate and resiliency plan described in paragraph (a) of
24 this subdivision;

25 (B) Amount of energy produced by each facility;

26 (C) Energy transferred between facilities within the authority;

27 (D) Energy transferred outside of the authority for sale;

28 (E) Kilowatt-hour sales by project;

29 (F) Revenues and costs for each project facility;

30 (G) Accumulated provision for depreciation of each project facility;

31 (H) Financial and operating information of the energy efficiency
32 program;

33 (I) Enrollment in and effectiveness of renewable energy auto-enroll-
34 ment, retrofit, and energy efficient appliance programs;

35 (J) Any projected rate increase for the year; and

36 (K) An analysis of the authority's actions to ensure the state will
37 meet the renewable energy goals of the climate leadership and community
38 protection act.

39 34. Notwithstanding any other provision of law, on or after January
40 first, two thousand thirty, the authority shall be the sole provider of
41 electricity to all state owned, leased, controlled, or operated build-
42 ings and on or after January first, two thousand thirty-five, the
43 authority shall be the sole provider of electricity to all municipal
44 owned, leased, controlled, or operated buildings that use electricity,
45 provided that the energy supply rate of such electricity is less than
46 the energy supply rate of the utility in the municipal building's
47 service territory.

48 35. (a) The authority is authorized to sell or provide renewable ener-
49 gy to residential end-use customers and CCA communities. Any excess
50 renewable energy produced by the authority and not used or stored by
51 state or municipal owned or leased buildings shall be sold directly to
52 low-to-moderate income households first, prioritizing low-to-moderate
53 income households in disadvantaged communities, and at a rate that is
54 fifty percent less than the energy supply rate of the utility in the
55 customer's service territory. Any remaining excess renewable energy
56 produced by the authority shall be sold to residential end-use customers

1 or CCA's at the wholesale cost. This subdivision shall not interfere
2 with the authority's existing Recharge New York power program or any
3 other power allocation program managed by the authority as of the effec-
4 tive date of this subdivision. For the purposes of this paragraph, the
5 term "low-to-moderate income households" shall mean households with
6 annual incomes at or below eighty percent of the area median income of
7 the county or metro area where they reside.

8 (b) Within three years following the effective date of this subdivi-
9 sion, the authority's trustees, in consultation with the New York state
10 energy research and development authority's regional clean energy hubs,
11 shall develop a progressive rate structure based on income and energy
12 usage to be offered to end-use customers and CCA communities.

13 (c) The authority shall work with the office of temporary and disabil-
14 ity assistance to assist low-income customers to access the low income
15 home energy assistance program and other utility benefits and shall
16 offer deferred payment agreement payment plans for customers that fall
17 into arrears.

18 (d) The authority is authorized to sell up to thirty percent of the
19 electricity that it provides to residential and commercial customers to
20 customers of the long island power authority, established under title
21 one-A of this article, and the long island power authority is authorized
22 to purchase this power.

23 36. All new renewable energy projects subject to this section shall be
24 considered public work, subject to articles eight and nine of the labor
25 law and shall utilize a project labor agreement. For purposes of this
26 subdivision, "project labor agreement" shall mean a pre-hire collective
27 bargaining agreement between the authority, or a third party on behalf
28 of the authority, and a bona fide building and construction trade labor
29 organization establishing the labor organization as the collective
30 bargaining representative for all persons who will perform work on a
31 public work project, and which provides that only contractors and
32 subcontractors who sign a pre-negotiated agreement with the labor organ-
33 ization can perform project work. All contractors and subcontractors
34 associated with this work shall be required to utilize apprenticeship
35 agreements as defined by article twenty-three of the labor law.

36 37. The authority, in consultation with labor organizations, shall
37 develop a comprehensive plan to transition, train, or retrain employees
38 that are impacted by the New York state build public renewables act, and
39 shall establish and contribute to a just transition fund that shall make
40 funding available for worker transition and retraining.

41 38. The authority shall include requirements in any procurement or
42 development of a renewable energy project, as defined in subdivision
43 thirty of this section, that the components and parts shall be supplied
44 with equipment produced or made in whole or substantial part in the
45 United States, its territories or possessions. The authority's trustees,
46 in consultation with the New York state energy research and development
47 authority, may waive the procurement and development requirements set
48 forth in this subdivision if the trustees determine that: the require-
49 ments would not be in the public interest; the requirements would result
50 in unreasonable costs; obtaining such infrastructure components and
51 parts in the United States would increase the cost of a renewable energy
52 project by an unreasonable amount; or such components or parts cannot be
53 produced, made, or assembled in the United States in sufficient and
54 reasonably available quantities or of satisfactory quality. Such deter-
55 mination must be made on an annual basis no later than December thirty-
56 first after providing notice and an opportunity for public comment, and

1 be made publicly available, in writing, on the authority's website with
2 a detailed explanation of the findings leading to such determination. If
3 the authority's trustees have issued determinations for three consec-
4 utive years that no such waiver is warranted pursuant to this subdivi-
5 sion, then the authority shall no longer be required to provide the
6 annual determination required by this subdivision.

7 39. The authority shall work with existing workforce development
8 programs, union apprenticeship programs, and regional community energy
9 hubs to publish a report on the ways that the construction of renewable
10 projects can best support the development of skilled, well paid local
11 workforces in the renewable energy sector, and shall provide financial
12 support through the just transition fund established pursuant to subdivi-
13 sion thirty-seven of this section for pre-apprenticeship programs
14 through local community based organizations that work with disadvantaged
15 communities and union run workforce development institutions, where
16 this support is found to be necessary to the effective development of
17 this workforce according to the report.

18 40. For energy projects that the authority builds on properties of the
19 New York city housing authority, including heat pump installations,
20 retrofits, weatherization measures, and lead, mold, and asbestos remedi-
21 ation, both the authority and its contractors shall prioritize hiring
22 residents of these properties, provided that residents meet consider-
23 ations of availability, interest, skill level and training. No
24 provisions of this subdivision shall alter the status of any Section 9
25 housing. The authority shall consult the residents or occupants of all
26 public buildings where the authority is building projects to assess
27 their needs and minimize disruption, nuisance, public health risks, and
28 displacement during any remediation, retrofit, weatherization, heat pump
29 installations, or other construction the authority or its contractors
30 perform. All work subject to this subdivision shall be considered
31 public work, subject to articles eight and nine of the labor law, and
32 shall utilize a project labor agreement. For purposes of this subdivi-
33 sion, "project labor agreement" shall mean a pre-hire collective
34 bargaining agreement between the authority, or a third party on behalf
35 of the authority, and a bona fide building and construction trade labor
36 organization establishing the labor organization as the collective
37 bargaining representative for all persons who will perform work on a
38 public work project, and which provides that only contractors and
39 subcontractors who sign a pre-negotiated agreement with the labor orga-
40 nization can perform project work. All contractors and subcontractors
41 associated with this work shall be required to utilize apprenticeship
42 agreements as defined by article twenty-three of the labor law.

43 41. (a) Nothing in the New York state build public renewables act
44 shall alter the rights or benefits, and privileges, including, but not
45 limited to terms and conditions of employment, civil service status, and
46 collective bargaining unit membership, of any current employees of the
47 authority.

48 (b) Nothing in the New York state build public renewables act shall
49 result in: (i) the discharge, displacement, or loss of position, includ-
50 ing partial displacement such as a reduction in the hours of non-over-
51 time work, wages, or employment benefits; (ii) the impairment of exist-
52 ing collective bargaining agreements; (iii) the transfer of existing
53 duties and functions; or (iv) the transfer of future duties and func-
54 tions, of any currently employed worker impacted by this act who agrees
55 to be retrained.

1 42. The authority shall enter into a memorandum of understanding for
2 the operation and maintenance of a renewable energy project developed
3 pursuant to the New York state build public renewables act with a bona
4 fide labor organization of jurisdiction that is actively engaged in
5 representing transitioning employees from non-renewable generation
6 facilities. The memorandum shall only apply to the employees necessary
7 for the maintenance and operation of such renewable energy generation
8 projects. Such memorandum shall contain but not be limited to safety and
9 training standards, disaster response measures, guaranteed hours, staff-
10 ing levels, pay rate protection and retraining programs. The employees
11 eligible for these positions shall first be selected from and offered to
12 a pool of transitioning workers who have lost their employment or will
13 be losing their employment in the non-renewable energy generation
14 sector. Such list of potential employees will be provided by affected
15 unions and provided to the department of labor. The department of labor
16 shall update and provide such list to the authority ninety days prior to
17 purchase, acquisition, and/or construction of any project under the New
18 York state build public renewables act.

19 § 3. Section 1003 of the public authorities law, as amended by chapter
20 766 of the laws of 2005, is amended to read as follows:

21 § 1003. Trustees. 1. The authority shall consist of [~~seven~~] seventeen
22 trustees, five of whom shall serve respectively for terms of one, two,
23 three, four and five years, to be appointed by the governor, by and with
24 the advice and consent of the senate. The sixth and seventh trustees
25 shall be appointed by the governor, by and with the advice and consent
26 of the senate, and shall serve initial terms of one and two years
27 respectively. All other trustees shall be appointed as follows: two by
28 the governor, four by the temporary president of the senate, and four by
29 the speaker of the assembly, and shall proportionally be selected from
30 labor union representatives that represent both employees of the author-
31 ity and employees of construction contractors of the authority, environ-
32 mental justice advocates, community renewable energy advocates, consumer
33 advocates, and building electrification and energy efficiency experts.
34 For any appointment and vacant trustee position, the New York state
35 energy research and development authority's clean energy hubs shall
36 select qualified candidates that shall be given reasonable consideration
37 for an appointment as trustee by the governor, senate, and assembly.
38 Each trustee shall hold office until a successor has been appointed and
39 qualified or until removed by a majority vote of the legislature or the
40 governor. At the expiration of the term of each trustee and of each
41 succeeding trustee [~~the governor shall, by and with the advice and~~
42 ~~consent of the senate, appoint a successor, who shall hold office for a~~
43 ~~term of five years, or until a successor has been appointed and quali-~~
44 ~~fied. In the event of a vacancy occurring in the office of the trustee~~
45 ~~by death, resignation or otherwise, the governor shall, by and with the~~
46 ~~advice and consent of the senate, appoint a successor, who shall hold~~
47 ~~office for the unexpired term. Four trustees shall constitute a quorum~~
48 ~~for the purpose of organizing the authority and conducting the business~~
49 ~~thereof.], or the event of a vacancy occurring in the office of the
50 trustee by death, resignation or otherwise, the original entities who
51 appointed that trustee shall appoint a successor, after consideration of
52 clean energy hub candidates, who shall hold office for the unexpired
53 term. Nine trustees shall constitute a quorum for the purpose of organ-
54 izing the authority and conducting the business thereof. Any authority
55 trustee or board member may be terminated by either a majority vote of
56 the senate or assembly, or by the governor. Reasons for termination may~~

1 include, but are not limited to: failure to meet the renewable energy
2 targets outlined in this bill; conflicts of interest; failure to prior-
3 itize climate justice, environmental justice, or economic justice in the
4 authority's operations; sexual assault or harassment; or corruption.

5 2. The trustee chosen as chairman as provided in section one thousand
6 four of this title, shall receive an annual salary which shall be set by
7 the trustees of the authority, and which shall not exceed the salary
8 prescribed for the positions listed in paragraph (f) of subdivision one
9 of section one hundred sixty-nine of the executive law. [~~Each other~~
10 ~~trustee shall not receive a salary or other compensation.~~] Each trustee
11 shall receive his or her reasonable expenses in the performance of his
12 or her duties hereunder. The trustee chosen as chairman may elect to
13 become a member of the New York state and local employees' retirement
14 system on the basis of such compensation to which he or she shall be
15 entitled as herein provided notwithstanding the provisions of any gener-
16 al, special or local law, municipal charter, or ordinance.

17 § 4. Nothing in this act is intended to limit, impair, or affect the
18 legal authority of the power authority of the state of New York under
19 any other provision of title 1 of article 5 of the public authorities
20 law.

21 § 5. No section of this act or any action required to be taken under
22 this act shall be delayed or made contingent upon the completion of the
23 plan required by subdivision 33 of section 1005 of the public authori-
24 ties law, as added by section two of this act.

25 § 6. Severability clause. If any clause, sentence, paragraph, subdi-
26 vision, or section of this act shall be adjudged by any court of compe-
27 tent jurisdiction to be invalid, such judgment shall not affect, impair,
28 or invalidate the remainder thereof, but shall be confined in its opera-
29 tion to the clause, sentence, paragraph, subdivision, or section thereof
30 directly involved in the controversy in which such judgment shall have
31 been rendered. It is hereby declared to be the intent of the legislature
32 that this act would have been enacted even if such invalid provisions
33 had not been included herein.

34 § 7. This act shall take effect immediately.