

# STATE OF NEW YORK

1466--D

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

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 -- again reported from said committee with amendments, 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 fourteen new subdivisions 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,  
5 41, 42, and 43 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, forty-two and  
4 forty-three of this section, the following terms shall have the follow-  
5 ing meanings:

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

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

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

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

46 (b) The authority shall prioritize funding, siting, building, and  
47 owning renewable energy projects which: (i) actively benefit disadvan-  
48 taged communities as defined by the climate justice working group; (ii)  
49 minimize harm to wildlife, ecosystems, public health, and public safety;  
50 (iii) do not violate Indigenous rights or sovereignty; and (iv) which  
51 are the most cost-effective to the state according to the best available  
52 cost modeling research. The types of renewable energy projects the  
53 authority builds shall be determined and prioritized in consultation  
54 with affected labor unions and community organizations via the New York  
55 state energy research and development authority's regional clean energy  
56 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 A municipal owned, leased, controlled, or operated building that uses  
46 electricity may elect not to receive its energy supply from the authori-  
47 ty if (i) the authority's energy supply rate is higher than the energy  
48 supply rate of the utility in the municipal building's service territo-  
49 ry, as determined by the twelve-month average utility supply rate; (ii)  
50 the municipal building is being served by a municipal electric utility  
51 that shall supply only renewable energy to the building; or (iii) the  
52 municipal building elects to participate in a community choice aggre-  
53 gation program that shall supply only renewable energy to the building.

54 35. (a) The authority is authorized to sell or provide renewable ener-  
55 gy to residential end-use customers and CCA communities. Any excess  
56 renewable energy produced by the authority and not used or stored by

1 state or municipal owned or leased buildings shall be sold directly to  
2 low-to-moderate income households first, prioritizing low-to-moderate  
3 income households in disadvantaged communities, and at a rate that is  
4 fifty percent less than the energy supply rate of the utility in the  
5 customer's service territory. Any remaining excess renewable energy  
6 produced by the authority shall be sold to residential end-use customers  
7 or CCA's at the wholesale cost. For the purposes of this paragraph, the  
8 term "low-to-moderate income households" shall mean households with  
9 annual incomes at or below eighty percent of the area median income of  
10 the county or metro area where they reside.

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

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

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

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

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

44 38. The authority shall include requirements in any procurement or  
45 development of a renewable energy project, as defined in subdivision  
46 thirty of this section, that the components and parts shall be supplied  
47 with equipment produced or made in whole or substantial part in the  
48 United States, its territories or possessions. The authority's trustees,  
49 in consultation with the New York state energy research and development  
50 authority, may waive the procurement and development requirements set  
51 forth in this subdivision if the trustees determine that: the require-  
52 ments would not be in the public interest; the requirements would result  
53 in unreasonable costs; obtaining such infrastructure components and  
54 parts in the United States would increase the cost of a renewable energy  
55 project by an unreasonable amount; or such components or parts cannot be  
56 produced, made, or assembled in the United States in sufficient and

1 reasonably available quantities or of satisfactory quality. Such deter-  
2 mination must be made on an annual basis no later than December thirty-  
3 first after providing notice and an opportunity for public comment, and  
4 be made publicly available, in writing, on the authority's website with  
5 a detailed explanation of the findings leading to such determination. If  
6 the authority's trustees have issued determinations for three consec-  
7 utive years that no such waiver is warranted pursuant to this subdivi-  
8 sion, then the authority shall no longer be required to provide the  
9 annual determination required by this subdivision.

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

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

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

51 (b) Nothing in the New York state build public renewables act shall  
52 result in: (i) the discharge, displacement, or loss of position, includ-  
53 ing partial displacement such as a reduction in the hours of non-over-  
54 time work, wages, or employment benefits; (ii) the impairment of exist-  
55 ing collective bargaining agreements; (iii) the transfer of existing  
56 duties and functions; or (iv) the transfer of future duties and func-

1 tions, of any currently employed worker impacted by this act who agrees  
2 to be retrained.

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

25 43. The authority shall comply with the objectives and goals of certi-  
26 fied minority and women-owned business enterprises pursuant to article  
27 fifteen-A of the executive law and certified service-disabled veteran-  
28 owned businesses pursuant to article three of the veterans' services  
29 law. The authority, in consultation with the commissioner of the divi-  
30 sion of minority and women's business development and the director of  
31 the division of service-disabled veterans' business development shall  
32 make training and resources available to assist minority and women-owned  
33 business enterprises and service-disabled veteran-owned business enter-  
34 prises on renewable energy projects to achieve and maintain compliance  
35 with prevailing wage requirements. The authority shall make such train-  
36 ing and resources available online and shall afford minority and women-  
37 owned business enterprises and service-disabled veteran-owned business  
38 enterprises an opportunity to submit comments on such training.

39 § 3. Section 1003 of the public authorities law, as amended by chapter  
40 766 of the laws of 2005, is amended to read as follows:

41 § 1003. Trustees. 1. The authority shall consist of [~~seven~~] seventeen  
42 trustees, five of whom shall serve respectively for terms of one, two,  
43 three, four and five years, to be appointed by the governor, by and with  
44 the advice and consent of the senate. The sixth and seventh trustees  
45 shall be appointed by the governor, by and with the advice and consent  
46 of the senate, and shall serve initial terms of one and two years  
47 respectively. All other trustees shall be appointed as follows: two by  
48 the governor, four by the temporary president of the senate, and four by  
49 the speaker of the assembly, and shall proportionally be selected from  
50 labor union representatives that represent both employees of the author-  
51 ity and employees of construction contractors of the authority, environ-  
52 mental justice advocates, community renewable energy advocates, consumer  
53 advocates, and building electrification and energy efficiency experts.  
54 For any appointment and vacant trustee position, the New York state  
55 energy research and development authority's clean energy hubs shall  
56 select qualified candidates that shall be given reasonable consideration



1 for an appointment as trustee by the governor, senate, and assembly.  
2 Each trustee shall hold office until a successor has been appointed and  
3 qualified or until removed by a majority vote of the legislature or the  
4 governor. At the expiration of the term of each trustee and of each  
5 succeeding trustee [~~the governor shall, by and with the advice and~~  
6 ~~consent of the senate, appoint a successor, who shall hold office for a~~  
7 ~~term of five years, or until a successor has been appointed and quali-~~  
8 ~~fied. In the event of a vacancy occurring in the office of the trustee~~  
9 ~~by death, resignation or otherwise, the governor shall, by and with the~~  
10 ~~advice and consent of the senate, appoint a successor, who shall hold~~  
11 ~~office for the unexpired term. Four trustees shall constitute a quorum~~  
12 ~~for the purpose of organizing the authority and conducting the business~~  
13 ~~thereof.], or the event of a vacancy occurring in the office of the  
14 trustee by death, resignation or otherwise, the original entities who  
15 appointed that trustee shall appoint a successor, after consideration of  
16 clean energy hub candidates, who shall hold office for the unexpired  
17 term. Nine trustees shall constitute a quorum for the purpose of organ-  
18 izing the authority and conducting the business thereof. Any authority  
19 trustee or board member may be terminated by either a majority vote of  
20 the senate or assembly, or by the governor. Reasons for termination may  
21 include, but are not limited to: failure to meet the renewable energy  
22 targets outlined in this bill; conflicts of interest; failure to prior-  
23 itize climate justice, environmental justice, or economic justice in the  
24 authority's operations; sexual assault or harassment; or corruption.~~

25 2. The trustee chosen as chairman as provided in section one thousand  
26 four of this title, shall receive an annual salary which shall be set by  
27 the trustees of the authority, and which shall not exceed the salary  
28 prescribed for the positions listed in paragraph (f) of subdivision one  
29 of section one hundred sixty-nine of the executive law. [~~Each other~~  
30 ~~trustee shall not receive a salary or other compensation.~~] Each trustee  
31 shall receive his or her reasonable expenses in the performance of his  
32 or her duties hereunder. The trustee chosen as chairman may elect to  
33 become a member of the New York state and local employees' retirement  
34 system on the basis of such compensation to which he or she shall be  
35 entitled as herein provided notwithstanding the provisions of any gener-  
36 al, special or local law, municipal charter, or ordinance.

37 § 4. Nothing in this act shall impact the power authority of the state  
38 of New York's existing recharge New York power program, existing hydro-  
39 power allocations to any municipal and cooperative electric utility  
40 customers, or any other power allocation program managed by such author-  
41 ity.

42 § 5. Nothing in this act is intended to limit, impair, or affect the  
43 legal authority of the power authority of the state of New York under  
44 any other provision of title 1 of article 5 of the public authorities  
45 law.

46 § 6. No section of this act or any action required to be taken under  
47 this act shall be delayed or made contingent upon the completion of the  
48 plan required by subdivision 33 of section 1005 of the public authori-  
49 ties law, as added by section two of this act.

50 § 7. Severability clause. If any clause, sentence, paragraph, subdivi-  
51 sion, or section of this act shall be adjudged by any court of compe-  
52 tent jurisdiction to be invalid, such judgment shall not affect, impair,  
53 or invalidate the remainder thereof, but shall be confined in its opera-  
54 tion to the clause, sentence, paragraph, subdivision, or section thereof  
55 directly involved in the controversy in which such judgment shall have  
56 been rendered. It is hereby declared to be the intent of the legislature

1 that this act would have been enacted even if such invalid provisions  
2 had not been included herein.  
3 § 8. This act shall take effect immediately.