

STATE OF NEW YORK

6066

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

Introduced by M. of A. BARRETT -- read once and referred to the Committee on Energy

AN ACT to amend the public authorities law, in relation to implementing the "New York Power Authority Public Renewables Standby 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 Power Authority Public Renewables Standby 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 to support the goal of the climate
7 leadership and community protection act, which requires that a minimum
8 of seventy percent of the statewide electric generation to meet the
9 electrical energy requirements in New York state in the year two thou-
10 sand thirty shall be generated by renewable energy systems, by entering
11 into contracts with companies, not subject to the public service commis-
12 sion's cost-of-service ratemaking, to procure through a competitive
13 process the power and/or renewable energy credits from any renewable
14 energy project in New York state. Such competitive procurement shall be
15 through at least one annual solicitation until such time that the
16 authority has procured sufficient renewable energy and/or renewable
17 energy credits to comply with the renewable energy targets in subdivi-
18 sions thirty-two, thirty-four, thirty-five and forty of this section.

19 (b) Within one year of the effective date of this subdivision, and
20 biennially thereafter, the authority, in consultation with the New York
21 state energy research and development authority, the New York state
22 department of public service, and the New York state independent system
23 operator, shall evaluate, after an opportunity for public comment,
24 whether the renewable energy goal of the climate leadership and communi-
25 ty protection act is likely to be met within the timeframe established

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

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1 by such law. If such evaluation determines that such renewable energy
2 goal is not likely to be met within the timeframe established by law,
3 then the authority is authorized to purchase, acquire, plan, design,
4 engineer, finance, construct, operate, manage, improve and/or maintain
5 any renewable energy project in New York state if the following criteria
6 are met: (i) the number of proposed renewable energy projects in the
7 interconnection queue of the federally designated electric bulk system
8 operator for New York state is inadequate to meet the public service
9 commission's proposed annual schedule for procurements to achieve such
10 renewable energy goal; and (ii) the responses to any competitive solic-
11 itations that have been issued by the authority and the New York state
12 energy research and development authority to incent the development of
13 renewable energy projects in New York are inadequate to meet the goals
14 of such competitive solicitations. Notwithstanding any provision of
15 section one thousand twelve of this title to the contrary, the authority
16 shall enter into agreements to make payments in lieu of taxes with
17 respect to any renewable energy projects that it may purchase, acquire,
18 construct, operate, manage, improve and/or maintain. Purchase and acqui-
19 sition under this subdivision and subdivision thirty-two of this section
20 shall only be from willing sellers.

21 (c) For the purposes of this subdivision and subdivisions thirty-one,
22 thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-
23 seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and
24 forty-three of this section, the following terms shall have the follow-
25 ing meanings:

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

28 (ii) "renewable energy project" shall be defined as all infrastructure
29 which generates, stores, distributes or transmits renewable energy or
30 thermal energy as defined in subparagraph (i) of this paragraph, and
31 includes the construction, installation and/or operation of ancillary
32 facilities or equipment done in connection with any such renewable ener-
33 gy systems projects, including, but not limited to, energy storage
34 projects in combination with such renewable energy systems projects,
35 electric vehicle charging infrastructure and offshore wind support and
36 installation vessels owned by the authority, and the production, use,
37 and sale of green hydrogen defined as hydrogen produced through electro-
38 lysis powered using one hundred percent renewable energy.

39 31. Where a renewable energy site appropriate for New York state falls
40 into federal jurisdiction, the authority may participate in lease
41 auctions in an attempt to obtain ownership of that area, if authorized
42 pursuant to subdivision thirty of this section, and shall have the
43 authority to construct and operate electricity transmission infrastruc-
44 ture to facilitate and enable renewable energy project operation.

45 32. (a) Notwithstanding any other provision of law to the contrary,
46 the authority shall, on or after January first, two thousand thirty,
47 only generate renewable energy and shall only purchase, acquire, plan,
48 design, engineer, finance, and construct generation facilities for the
49 purpose of generating renewable energy pursuant to subdivision thirty of
50 this section. The authority shall phase out its use of existing non-re-
51 newable generation no later than December thirtieth, two thousand thir-
52 ty, unless the authority provides to its trustees, and makes publicly
53 available, an attestation in writing, signed by the independent system
54 operator and a representative of the regional clean energy hub in which
55 the facility is located, identifying the existence of a reliability
56 need. The authority shall work with the New York state energy research

1 and development authority to provide any funding necessary for a
2 regional clean energy hub to meet the needs of this subdivision. The
3 authority, in consultation with the independent system operator, shall
4 ensure that the phase-out of its existing non-renewable generation does
5 not lead to an increase in the delivery of out-of-state non-renewable
6 generation into the New York state electric grid. For the purposes of
7 this subdivision, a "reliability need" means an electricity system need,
8 which if unmet, would result in a violation of the electric power system
9 planning and operating policies, standards, criteria, guidelines, proce-
10 dures, and rules promulgated by the North American Electric Reliability
11 Corporation ("NERC"), Northeast Power Coordinating Council ("NPCC"), and
12 the New York State Reliability Council ("NYSRC"), as they may be amended
13 from time to time.

14 (b) If authorized pursuant to subdivision thirty of this section, the
15 authority shall prioritize funding, siting, building, and owning renewa-
16 ble energy projects, which: (i) actively benefit disadvantaged communi-
17 ties as defined by the climate justice working group; (ii) minimize harm
18 to wildlife, ecosystems, public health, and public safety; (iii) do not
19 violate Indigenous rights or sovereignty; and (iv) which are the most
20 cost-effective to the state according to the best available cost model-
21 ing research. The types of renewable energy projects the authority
22 builds shall be determined and prioritized in consultation with affected
23 labor unions and community organizations via the New York state energy
24 research and development authority's regional clean energy hubs.

25 33. (a) Within two years of the effective date of this subdivision,
26 the authority shall make public a ten-year climate and resiliency plan.
27 Such climate and resiliency plan shall be designed to minimize costs to
28 ratepayers, while balancing the interests of employees, grid reliability
29 and resiliency, disadvantaged communities as defined by the climate
30 justice working group, and the environment. Such plan shall be developed
31 in consultation with the New York state independent system operator, the
32 New York state energy research and development authority, the New York
33 state department of public service, and climate and resiliency experts,
34 labor organizations, environmental justice communities, residential and
35 small business ratepayer advocates, and community organizations via the
36 New York state energy research and development authority's regional
37 clean energy hubs. Such resiliency plan shall outline the renewable
38 energy projects the authority plans to build, if authorized pursuant to
39 subdivision thirty of this section. The resiliency plan also shall
40 outline how the authority plans to phase out non-renewable assets and
41 how the authority plans to comply with the climate leadership and commu-
42 nity protection act and the renewable energy targets in subdivisions
43 thirty-two, thirty-four, thirty-five and forty of this section, and
44 efforts to improve energy and electric grid resiliency. The plan shall
45 include a review of the state's progress towards the renewable energy
46 goal of the climate leadership and community protection act. The author-
47 ity shall update such plan biennially, after implementing the require-
48 ments pursuant to subdivision thirty of this section and after public
49 comment and a hearing. The authority shall include in the updated plan
50 the renewable energy projects it plans to build, if authorized pursuant
51 to subdivision thirty of this section, to ensure the state meets such
52 goal, including the permit applications submitted, the stage of each
53 project in the development process, when such projects are expected to
54 be commissioned, and any barriers to deployment experienced by the
55 authority. If the authority has identified a reliability need to main-
56 tain its existing non-renewable generation pursuant to subdivision thir-

1 ty-two of this section, the authority shall identify in the biennial
2 plan update report the renewable energy project, transmission or
3 distribution infrastructure, demand response, or other such project or
4 projects that the authority, if authorized pursuant to subdivision thir-
5 ty of this section, or another entity, only if such entity has obtained
6 all the necessary permits and has begun construction, plans to develop
7 to meet the reliability need.

8 (b) Within two years of the effective date of this subdivision, the
9 authority shall make public a democratization plan, with a mandate to
10 implement the plan within two years of its completion. Such plan shall
11 be created in partnership with, and codesigned with, a statewide alli-
12 ance of community organizations with at least five years' history of
13 working on energy democracy and implementation issues, providing funding
14 for this alliance as necessary for their participation in the completion
15 of the plan. Such plan shall ensure that the authority's activities to
16 scale up renewable build out, if authorized pursuant to subdivision
17 thirty of this section, across the state occurs in line with the princi-
18 ples of energy democracy and transparency.

19 (c) The authority shall hold at least eight public hearings within two
20 years of the effective date of this subdivision related to the climate
21 and resiliency plan. The hearings shall be publicized in various forms
22 of media, including but not limited to the authority's website, local
23 newspapers and social media platforms, and shall also be accessible via
24 livestream. In advance of such hearings, the authority shall conspicu-
25 ously post written notice of such hearings in all authority facilities
26 and New York state energy research and development authority regional
27 clean energy hubs on a sign posted at each facility entrance and exit
28 used by employees, and shall provide at least two weeks advance notice
29 of such hearings to authority customers by directly communicating such
30 notice to customer phone, email and mailing lists. Hearings shall be
31 permitted between 12:00 PM to 3:00 PM and 6:00 PM to 9:00 PM, and the
32 authority shall provide all speakers with the option to sign up to speak
33 within those three hour windows such that no speaker shall wait longer
34 than three hours to speak. In addition to oral testimony, written testi-
35 mony from the public for such hearings shall be accepted by the authori-
36 ty no less than two weeks after each hearing. Each speaker shall have at
37 least three minutes to speak, and a remote option shall be provided for
38 submitting comments via video conference, phone, including short message
39 services (SMS) text messages and/or written comment, which shall be read
40 aloud. Provisions for translation services, American sign language
41 interpretation, closed captioning, and access to accommodations provided
42 by the Americans with Disabilities Act shall be provided upon request.

43 (d) The authority shall maintain all data, meeting minutes, recordings
44 and documents that do not include personal customer information, includ-
45 ing but not limited to depreciation schedules, annual financial state-
46 ments of itemized spending, environmental impact statements, cost-bene-
47 fit analyses, climate and resiliency plans, renewable energy project
48 plans, and annual reports on operations, customer service, reliability,
49 resiliency and sustainability. All such data, meeting minutes,
50 recordings and documents shall be made available on the authority's
51 website, or otherwise made accessible by the authority upon request. All
52 such records shall be maintained as business records for a minimum of
53 ten years. The state comptroller shall audit the authority at least once
54 every two years until two thousand thirty to ascertain whether the
55 authority is in compliance with the renewable energy targets outlined in
56 this subdivision and subdivisions thirty-two, thirty-four, thirty-five,

1 and forty of this section and whether the authority's spending and oper-
2 ations are effectively and efficiently promoting the common good. The
3 most recent comptroller audits shall also be made available on the
4 authority's website, or otherwise made accessible by the authority upon
5 request.

6 (e)(i) The authority, in consultation with the New York state energy
7 research and development authority and the public service commission,
8 shall develop and conduct an energy efficiency and energy audit program
9 to identify public buildings most in need of retrofits and efficiency
10 measures. Such program shall provide for energy efficiency projects and
11 services competitively procured solely from energy services companies
12 through written requests for proposals from third party providers of all
13 goods and services, including but not limited to, the installation of
14 renewable heating and cooling systems, and, when feasible, other green
15 building projects as defined in section 58-0101 of the environmental
16 conservation law, in public housing and public schools by the year two
17 thousand thirty-five, prioritizing first public affordable housing and
18 public schools in disadvantaged communities. The authority shall hire
19 authority contractors to perform energy audits, retrofits and other
20 efficiency programs for these buildings, and provide incentives, in
21 conjunction with the New York state energy research and development
22 authority, for energy efficient appliances and induction stoves, as
23 needed, to meet the climate goals outlined in the climate leadership and
24 community protection act. If the buildings selected for this program
25 need mold remediation measures or lead abatement measures to be carried
26 out before energy efficiency measures can be safely implemented, the
27 authority shall also hire contractors to perform lead abatement measures
28 and/or mold remediation measures for these buildings.

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

35 (iii) All work subject to this subdivision shall be considered public
36 work, subject to articles eight and nine of the labor law, and shall
37 utilize a project labor agreement. For purposes of this subdivision,
38 "project labor agreement" shall mean a pre-hire collective bargaining
39 agreement between the authority, or a third party on behalf of the
40 authority, and a bona fide building and construction trade labor organ-
41 ization establishing the labor organization as the collective bargaining
42 representative for all persons who will perform work on a public work
43 project, and which provides that only contractors and subcontractors who
44 sign a pre-negotiated agreement with the labor organization can perform
45 project work. All contractors and subcontractors associated with this
46 work shall be required to utilize apprenticeship agreements as defined
47 by article twenty-three of the labor law.

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

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

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

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

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

56 (E) Kilowatt-hour sales by project;

1 (F) Revenues and costs for each project facility of the authority;

2 (G) Accumulated provision for depreciation of each project facility of
3 the authority;

4 (H) Financial and operating information in the aggregate of the energy
5 efficiency program;

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

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

9 (K) An analysis of the authority's actions to ensure the state will
10 meet the renewable energy goal of the climate leadership and community
11 protection act.

12 34. Notwithstanding any other provision of law to the contrary, on or
13 after January first, two thousand thirty, the authority is authorized to
14 competitively procure electricity from energy service companies through
15 written requests for proposals from third party providers of all goods
16 and services for all state owned, leased, controlled, or operated build-
17 ings, and on or after January first, two thousand thirty-five, the
18 authority is authorized to competitively procure electricity from energy
19 service companies through written requests for proposals from third
20 party providers of goods and services, for all municipal owned, leased,
21 controlled, or operated buildings that use electricity.

22 35. (a) The authority is authorized to competitively procure from
23 energy service companies through written requests for proposals from
24 third party providers of goods and services renewable energy on behalf
25 of residential end-use customers and CCA communities, both of which may
26 choose to be customers of the authority. Any excess renewable energy
27 procured by the authority and not used or stored by state or municipal
28 owned or leased buildings shall be sold directly to low-to-moderate
29 income households, which choose to be customers of the authority, first,
30 prioritizing low-to-moderate income households in disadvantaged communi-
31 ties, and at a rate that is fifty percent less than the energy supply
32 rate of the utility in the customer's service territory. Any remaining
33 excess renewable energy procured by the authority shall be sold through
34 the wholesale market at the wholesale cost. For the purposes of this
35 paragraph, the term "low-to-moderate income households" shall mean
36 households with annual incomes at or below eighty percent of the area
37 median income of the county or metro area where they reside.

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

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

49 (d) The authority, upon consultation with the New York state depart-
50 ment of public service, is authorized to sell up to thirty percent of
51 the electricity that it competitively procures from energy service
52 companies through written requests for proposals from third party
53 providers of goods and services for residential and commercial customers
54 to customers of the Long Island power authority, established under title
55 one-A of this article, which choose to receive electricity from the

1 authority, and the Long Island power authority is authorized to purchase
2 such power.

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

16 37. The authority, in consultation with labor organizations, shall
17 develop a comprehensive plan to transition, train, or retrain employees
18 that are impacted by the New York power authority public renewables
19 standby act, and shall establish and contribute to a just transition
20 fund that shall make funding available for worker transition and
21 retraining.

22 38. The authority shall include requirements in any procurement or
23 development of a renewable energy project, as defined in subdivision
24 thirty of this section, that the components and parts shall be supplied
25 with equipment produced or made in whole or substantial part in the
26 United States, its territories or possessions. The authority's trustees,
27 in consultation with the New York state energy research and development
28 authority, may waive the procurement and development requirements set
29 forth in this subdivision if the trustees determine that: the require-
30 ments would not be in the public interest; the requirements would result
31 in unreasonable costs; obtaining such infrastructure components and
32 parts in the United States would increase the cost of a renewable energy
33 project by an unreasonable amount; or such components or parts cannot be
34 produced, made, or assembled in the United States in sufficient and
35 reasonably available quantities or of satisfactory quality. Such deter-
36 mination shall be made on an annual basis no later than December thir-
37 ty-first after providing notice and an opportunity for public comment,
38 and be made publicly available, in writing, on the authority's website
39 with a detailed explanation of the findings leading to such determi-
40 nation. If the authority's trustees have issued determinations for three
41 consecutive years that no such waiver is warranted pursuant to this
42 subdivision, then the authority shall no longer be required to provide
43 the annual determination required by this subdivision.

44 39. The authority shall work with existing workforce development
45 programs, union apprenticeship programs, and regional community energy
46 hubs to publish a report on the ways that the construction of renewable
47 projects can best support the development of skilled, well paid local
48 workforces in the renewable energy sector, and shall provide financial
49 support through the just transition fund established pursuant to subdi-
50 vision thirty-seven of this section for pre-apprenticeship programs
51 through local community-based organizations that work with disadvantaged
52 communities and union run workforce development institutions, where this
53 support is found to be necessary to the effective development of this
54 workforce according to the report.

55 40. For energy projects that the authority, (a) builds on, if author-
56 ized pursuant to subdivision thirty of this section, or (b) competitive-

1 ly procures from energy service companies through written requests for
2 proposals from third party providers of goods and services for, proper-
3 ties of the New York city housing authority, including heat pump instal-
4 lations, retrofits, weatherization measures, and lead, mold, and asbes-
5 tos remediation, both the authority and its contractors shall prioritize
6 hiring residents of these properties, provided that residents meet
7 considerations of availability, interest, skill level and training. No
8 provisions of this subdivision shall alter the status of any Section 9
9 housing. The authority shall consult the residents or occupants of all
10 public buildings where the authority is building or procuring projects
11 to assess their needs and minimize disruption, nuisance, public health
12 risks, and displacement during any remediation, retrofit, weatheriza-
13 tion, heat pump installations, or other construction the authority or
14 its contractors perform. All work subject to this subdivision shall be
15 considered public work, subject to articles eight and nine of the labor
16 law, and shall utilize a project labor agreement. For purposes of this
17 subdivision, "project labor agreement" shall mean a pre-hire collective
18 bargaining agreement between the authority, or a third party on behalf
19 of the authority, and a bona fide building and construction trade labor
20 organization establishing the labor organization as the collective
21 bargaining representative for all persons who will perform work on a
22 public work project, and which provides that only contractors and
23 subcontractors who sign a pre-negotiated agreement with the labor organ-
24 ization can perform project work. All contractors and subcontractors
25 associated with this work shall be required to utilize apprenticeship
26 agreements as defined by article twenty-three of the labor law.

27 41. (a) Nothing in the New York power authority public renewables
28 standby act shall alter the rights or benefits, and privileges, includ-
29 ing, but not limited to terms and conditions of employment, civil
30 service status, and collective bargaining unit membership, of any
31 current employees of the authority.

32 (b) Nothing in the New York state power authority public renewables
33 standby act shall result in: (i) the discharge, displacement, or loss of
34 position, including partial displacement such as a reduction in the
35 hours of non-overtime work, wages, or employment benefits; (ii) the
36 impairment of existing collective bargaining agreements; (iii) the
37 transfer of existing duties and functions; or (iv) the transfer of
38 future duties and functions, of any currently employed worker impacted
39 by this act who agrees to be retrained.

40 42. The authority shall enter into a memorandum of understanding for
41 the operation and maintenance of a renewable energy project developed
42 pursuant to the New York power authority public renewables standby act
43 with a bona fide labor organization of jurisdiction that is actively
44 engaged in representing transitioning employees from non-renewable
45 generation facilities. Such memorandum shall be entered into prior to
46 the completion date of a renewable energy project and shall be an ongo-
47 ing material condition of authorization to operate and maintain a renew-
48 able energy project developed pursuant to the New York power authority
49 public renewables standby act. The memorandum shall only apply to the
50 employees necessary for the maintenance and operation of such renewable
51 energy generation projects. Such memorandum shall contain but not be
52 limited to safety and training standards, disaster response measures,
53 guaranteed hours, staffing levels, pay rate protection and retraining
54 programs. The employees eligible for these positions shall first be
55 selected from and offered to a pool of transitioning workers who have
56 lost their employment or will be losing their employment in the non-re-

1 newable energy generation sector. Such list of potential employees will
2 be provided by affected unions and provided to the department of labor.
3 The department of labor shall update and provide such list to the
4 authority ninety days prior to purchase, acquisition, and/or
5 construction of any project under the New York power authority public
6 renewables standby act.

7 43. The authority shall comply with the objectives and goals of certi-
8 fied minority and women-owned business enterprises pursuant to article
9 fifteen-A of the executive law and certified service-disabled veteran-
10 owned businesses pursuant to article three of the veterans' services
11 law. The authority, in consultation with the commissioner of the divi-
12 sion of minority and women's business development and the director of
13 the division of service-disabled veterans' business development shall
14 make training and resources available to assist minority and women-owned
15 business enterprises and service-disabled veteran-owned business enter-
16 prises on renewable energy projects to achieve and maintain compliance
17 with prevailing wage requirements. The authority shall make such train-
18 ing and resources available online and shall afford minority and women-
19 owned business enterprises and service-disabled veteran-owned business
20 enterprises an opportunity to submit comments on such training.

21 § 3. Section 1003 of the public authorities law, as amended by chapter
22 766 of the laws of 2005, is amended to read as follows:

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

quorum for the purpose of organizing the authority and conducting the business thereof. Any authority trustee or board member may be terminated by either a majority vote of the senate or assembly, or by the governor. Reasons for termination may include, but are not limited to: failure to meet the renewable energy targets outlined in section one thousand five of this title; conflicts of interest; failure to prioritize climate justice, environmental justice, or economic justice in the authority's operations; sexual assault or harassment; or corruption.

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

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

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

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

§ 7. Section 1014 of the public authorities law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

§ 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices relating to the generation, transmission, distribution and sale by the authority, of power to be generated from the projects authorized by this title shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. Except to the extent article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, and article ten of the public service law applies to the siting of a major electric generating facility as defined therein, and except to the extent section eighteen-a of the public service law provides for assessment of the authority for certain costs relating thereto, and except to the extent section ninety-four-c of the executive law applies to the siting of a major renewable energy facility as defined therein, and section eight of part JJJ of chapter fifty-eight of the laws of two thousand twenty applies to a host community benefit, and except to the extent section 11-0535-c of the environmental conservation law applies to an endangered and threatened species mitigation bank fund, the provisions of the public service law and of the environmental conservation law and every other law relating to the department of public service or the public service commission or to the

1 environmental conservation department or to the functions, powers or
2 duties assigned to the division of water power and control by chapter
3 six hundred nineteen of the laws of nineteen hundred twenty-six, shall
4 so far as is necessary to make this title effective in accordance with
5 its terms and purposes be deemed to be superseded, and wherever any
6 provision of law shall be found in conflict with the provisions of this
7 title or inconsistent with the purposes thereof, it shall be deemed to
8 be superseded, modified or repealed as the case may require.

9 § 8. Combination gas and electric corporations, as defined by subdivi-
10 sion 14 of section two of the public service law, shall be prohibited
11 from designing, planning, developing, siting, constructing, owning,
12 acquiring, improving, reconstructing, rehabilitating, completing, main-
13 taining, managing, operating, installing, implementing, providing,
14 administering, and leasing: renewable energy systems as defined by para-
15 graph (b) of subdivision 1 of section 66-p of the public service law;
16 and electric generating facilities constructed on or after the effective
17 date of this act.

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

27 § 10. This act shall take effect immediately.