

STATE OF NEW YORK

279

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IN ASSEMBLY

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Introduced by M. of A. CARROLL, COLTON, DINOWITZ, KIM, COOK, DICKENS, SIMON, STIRPE, CRUZ, L. ROSENTHAL, WEPRIN, ROZIC, MAMDANI, FORREST, GALLAGHER, ANDERSON, EPSTEIN, GONZALEZ-ROJAS, MITAYNES, JACKSON, BURDICK, WALKER, SILLITTI, LAVINE, THIELE, STECK, CLARK, SEAWRIGHT, DAVILA, RAMOS, BURGOS, KELLES, SEPTIMO, GLICK, BURKE, OTIS, DILAN, JACOBSON, GIBBS, DE LOS SANTOS, CUNNINGHAM, REYES, TAPIA, ZINERMAN, MEEKS, LUPARDO, RAJKUMAR, DARLING -- Multi-Sponsored by -- M. of A. HEVESI, HYNDMAN -- read once and referred to the Committee on Corporations, Authorities and Commissions

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.

9 (b) For the purposes of this subdivision and subdivisions thirty-one,
10 thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-
11 seven, thirty-eight, thirty-nine, forty, forty-one, forty-two and
12 forty-three of this section, the following terms shall have the follow-
13 ing meanings:

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

16 (ii) "renewable energy project" shall be defined as all infrastructure
17 which generates, stores, distributes or transmits renewable energy or
18 thermal energy as defined in subparagraph (i) of this paragraph, and

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

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1 includes the construction, installation and/or operation of ancillary
2 facilities or equipment done in connection with any such renewable ener-
3 gy generating projects, including, but not limited to, energy storage
4 systems, electric vehicle charging infrastructure and offshore wind
5 support and installation vessels owned by the authority, and the
6 production, use, and sale of green hydrogen defined as hydrogen produced
7 through electrolysis powered using one hundred percent renewable energy.

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

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

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

47 33. (a) Within two years of the effective date of this subdivision,
48 the authority shall make public a ten-year climate and resiliency plan.
49 Such climate and resiliency plan shall be designed to minimize costs to
50 ratepayers, while balancing the interests of employees, grid reliability
51 and resiliency, disadvantaged communities as defined by the climate
52 justice working group, and the environment. Such plan shall be developed
53 in consultation with the New York state independent system operator,
54 the New York state energy research and development authority, the
55 New York state department of public service, and climate and resiliency
56 experts, labor organizations, environmental justice communities, resi-

1 dential and small business ratepayer advocates, and community organiza-
2 tions via the New York state energy research and development authori-
3 ty's regional clean energy hubs. Such resiliency plan shall outline the
4 renewable energy projects the authority plans to build, how the authori-
5 ty plans to phase out non-renewable assets and how the authority plans
6 to comply with the climate leadership and community protection act and
7 the renewable energy targets in subdivisions thirty-two and thirty-four
8 of this section, and efforts to improve energy and electric grid resili-
9 ency. The authority shall update such plan annually, after public
10 comment and a hearing. Such updated plan shall include a review of the
11 state's progress towards the renewable energy goals of the climate lead-
12 ership and community protection act. If the authority, in consultation
13 with the New York state energy research and development authority,
14 determines that the renewable energy goals of the climate leadership and
15 community protection act are not likely to be met within the timeframe
16 established by the law, the authority shall include in the updated plan
17 the renewable energy projects it plans to build to ensure the state
18 meets such goals, including the permit applications submitted, the stage
19 of each project in the development process, when such projects are
20 expected to be commissioned, and any barriers to deployment experienced
21 by the authority. If the authority has identified a reliability need to
22 maintain its existing non-renewable generation pursuant to subdivision
23 thirty-two of this section, the authority shall identify in the annual
24 report the renewable energy project, energy storage project, trans-
25 mission or distribution infrastructure, demand response, or other such
26 project or projects that the authority, or another entity, only if such
27 entity has obtained all the necessary permits and has begun
28 construction, plans to develop to meet the reliability need.

29 (b) Within two years of the effective date of this subdivision, the
30 authority shall make public a democratization plan, with a mandate to
31 implement the plan within two years of its completion. Such plan shall
32 be created in partnership with, and codesigned with, a statewide alli-
33 ance of community organizations with at least five years' history of
34 working on energy democracy and implementation issues, providing funding
35 for this alliance as necessary for their participation in the completion
36 of the plan. Such plan shall ensure that the scale up of renewable build
37 out across the state occurs in line with the principles of energy democ-
38 racy and transparency.

39 (c) The authority shall hold at least eight public hearings within two
40 years of the effective date of this subdivision related to the climate
41 and resiliency plan. The hearing shall be publicized in various forms
42 of media, including but not limited to the authority's website, local
43 newspapers and social media platforms, and shall also be accessible via
44 livestream. In advance of such hearing, the authority shall conspicu-
45 ously post written notice of such hearing in all authority facilities
46 and New York state energy research and development authority regional
47 clean energy hubs on a sign posted at each facility entrance and exit
48 used by employees, and shall provide at least two weeks advance notice
49 of such hearing to authority customers by directly communicating such
50 notice to customer phone, email and mailing lists. Hearings shall be
51 permitted between 12:00 PM to 3:00 PM and 6:00 PM to 9:00 PM, and the
52 authority shall provide all speakers with the option to sign up to speak
53 within those three hour windows such that no speaker shall wait longer
54 than three hours to speak. In addition to oral testimony, written
55 testimony from the public for such hearings shall be accepted by the
56 authority no less than two weeks after each hearing. Each speaker shall

1 have at least three minutes to speak, and a remote option shall be
2 provided for submitting comments via video conference, phone, including
3 short message services (SMS) text messages and/or written comment, which
4 shall be read aloud. Provisions for translation services, American sign
5 language interpretation, closed captioning, and access to accommodations
6 provided by the Americans with Disabilities Act shall be provided upon
7 request.

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

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

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

53 (iii) All work subject to this subdivision shall be considered public
54 work, subject to articles eight and nine of the labor law, and shall
55 utilize a project labor agreement. For purposes of this subdivision,
56 "project labor agreement" shall mean a pre-hire collective bargaining

1 agreement between the authority, or a third party on behalf of the
2 authority, and a bona fide building and construction trade labor organ-
3 ization establishing the labor organization as the collective bargaining
4 representative for all persons who will perform work on a public work
5 project, and which provides that only contractors and subcontractors who
6 sign a pre-negotiated agreement with the labor organization can perform
7 project work. All contractors and subcontractors associated with this
8 work shall be required to utilize apprenticeship agreements as defined
9 by article twenty-three of the labor law.

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

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

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

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

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

18 (E) Kilowatt-hour sales by project;

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

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

21 (H) Financial and operating information of the energy efficiency
22 program;

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

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

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

29 34. Notwithstanding any other provision of law, on or after January
30 first, two thousand thirty-one, the authority shall be the sole provider
31 of electricity to all state owned, leased, controlled, or operated
32 buildings and on or after January first, two thousand thirty-six, the
33 authority shall be the sole provider of electricity to all municipal
34 owned, leased, controlled, or operated buildings that use electricity.
35 A municipal owned, leased, controlled, or operated building that uses
36 electricity may elect not to receive its energy supply from the authori-
37 ty if (i) the authority's energy supply rate is higher than the energy
38 supply rate of the utility in the municipal building's service territo-
39 ry, as determined by the twelve-month average utility supply rate; (ii)
40 the municipal building is being served by a municipal electric utility
41 that shall supply only renewable energy to the building; or (iii) the
42 municipal building elects to participate in a community choice aggre-
43 gation program that shall supply only renewable energy to the building.

44 35. (a) The authority is authorized to sell or provide renewable ener-
45 gy to residential end-use customers and CCA communities. Any excess
46 renewable energy produced by the authority and not used or stored by
47 state or municipal owned or leased buildings shall be sold directly to
48 low-to-moderate income households first, prioritizing low-to-moderate
49 income households in disadvantaged communities, and at a rate that is
50 fifty percent less than the energy supply rate of the utility in the
51 customer's service territory. Any remaining excess renewable energy
52 produced by the authority shall be sold to residential end-use customers
53 or CCA's at the wholesale cost. For the purposes of this paragraph, the
54 term "low-to-moderate income households" shall mean households with
55 annual incomes at or below eighty percent of the area median income of
56 the county or metro area where they reside.

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

6 (c) The authority shall work with the office of temporary and disabili-
7 ty assistance to assist low-income customers to access the low income
8 home energy assistance program and other utility benefits and shall
9 offer deferred payment agreement payment plans for customers that fall
10 into arrears.

11 (d) The authority is authorized to sell up to thirty percent of the
12 electricity that it provides to residential and commercial customers to
13 customers of the long island power authority, established under title
14 one-A of this article, and the long island power authority is authorized
15 to purchase this power.

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

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

34 38. The authority shall include requirements in any procurement or
35 development of a renewable energy project, as defined in subdivision
36 thirty of this section, that the components and parts shall be supplied
37 with equipment produced or made in whole or substantial part in the
38 United States, its territories or possessions. The authority's trustees,
39 in consultation with the New York state energy research and development
40 authority, may waive the procurement and development requirements set
41 forth in this subdivision if the trustees determine that: the require-
42 ments would not be in the public interest; the requirements would result
43 in unreasonable costs; obtaining such infrastructure components and
44 parts in the United States would increase the cost of a renewable energy
45 project by an unreasonable amount; or such components or parts cannot be
46 produced, made, or assembled in the United States in sufficient and
47 reasonably available quantities or of satisfactory quality. Such deter-
48 mination must be made on an annual basis no later than December thirty-
49 first after providing notice and an opportunity for public comment, and
50 be made publicly available, in writing, on the authority's website with
51 a detailed explanation of the findings leading to such determination. If
52 the authority's trustees have issued determinations for three consec-
53 utive years that no such waiver is warranted pursuant to this subdivi-
54 sion, then the authority shall no longer be required to provide the
55 annual determination required by this subdivision.

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

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

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

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

50 42. The authority shall enter into a memorandum of understanding for
51 the operation and maintenance of a renewable energy project developed
52 pursuant to the New York state build public renewables act with a bona
53 fide labor organization of jurisdiction that is actively engaged in
54 representing transitioning employees from non-renewable generation
55 facilities. Such memorandum shall be entered into prior to the
56 completion date of a renewable energy project and shall be an ongoing

1 material condition of authorization to operate and maintain a renewable
2 energy project developed pursuant to the New York state build public
3 renewables act. The memorandum shall only apply to the employees neces-
4 sary for the maintenance and operation of such renewable energy gener-
5 ation projects. Such memorandum shall contain but not be limited to
6 safety and training standards, disaster response measures, guaranteed
7 hours, staffing levels, pay rate protection and retraining programs. The
8 employees eligible for these positions shall first be selected from and
9 offered to a pool of transitioning workers who have lost their employ-
10 ment or will be losing their employment in the non-renewable energy
11 generation sector. Such list of potential employees will be provided by
12 affected unions and provided to the department of labor. The department
13 of labor shall update and provide such list to the authority ninety days
14 prior to purchase, acquisition, and/or construction of any project under
15 the New York state build public renewables act.

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

30 § 3. Section 1003 of the public authorities law, as amended by chapter
31 766 of the laws of 2005, is amended to read as follows:

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

~~advice and consent of the senate, appoint a successor, who shall hold office for the unexpired term. Four trustees shall constitute a quorum for the purpose of organizing the authority and conducting the business thereof.], or the event of a vacancy occurring in the office of the trustee by death, resignation or otherwise, the original entities who appointed that trustee shall appoint a successor, after consideration of clean energy hub candidates, who shall 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 this bill; 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. Severability clause. If any clause, sentence, paragraph, subdivision, or section of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or section thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 8. This act shall take effect immediately.