

# STATE OF NEW YORK

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2023-2024 Regular Sessions

## IN SENATE

February 3, 2023

Introduced by Sens. PARKER, ADDABBO, BAILEY, BRESLIN, BRISPORT, BROUK, CLEARE, GIANARIS, GOUNARDES, HARCKHAM, HINCHEY, HOYLMAN-SIGAL, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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  
19 includes the construction, installation and/or operation of ancillary  
20 facilities or equipment done in connection with any such renewable ener-  
21 gy generating projects, including, but not limited to, energy storage

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

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1 systems, electric vehicle charging infrastructure and offshore wind  
2 support and installation vessels owned by the authority, and the  
3 production, use, and sale of green hydrogen defined as hydrogen produced  
4 through electrolysis powered using one hundred percent renewable energy.

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

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

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

44 33. (a) Within two years of the effective date of this subdivision,  
45 the authority shall make public a ten-year climate and resiliency plan.  
46 Such climate and resiliency plan shall be designed to minimize costs to  
47 ratepayers, while balancing the interests of employees, grid reliability  
48 and resiliency, disadvantaged communities as defined by the climate  
49 justice working group, and the environment. Such plan shall be developed  
50 in consultation with the New York state independent system operator,  
51 the New York state energy research and development authority, the  
52 New York state department of public service, and climate and resiliency  
53 experts, labor organizations, environmental justice communities, resi-  
54 dential and small business ratepayer advocates, and community organiza-  
55 tions via the New York state energy research and development authori-  
56 ty's regional clean energy hubs. Such resiliency plan shall outline the

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

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

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

1 shall be read aloud. Provisions for translation services, American sign  
2 language interpretation, closed captioning, and access to accommodations  
3 provided by the Americans with Disabilities Act shall be provided upon  
4 request.

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

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

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

50 (iii) All work subject to this subdivision shall be considered public  
51 work, subject to articles eight and nine of the labor law, and shall  
52 utilize a project labor agreement. For purposes of this subdivision,  
53 "project labor agreement" shall mean a pre-hire collective bargaining  
54 agreement between the authority, or a third party on behalf of the  
55 authority, and a bona fide building and construction trade labor organ-  
56 ization establishing the labor organization as the collective bargaining

1 representative for all persons who will perform work on a public work  
2 project, and which provides that only contractors and subcontractors who  
3 sign a pre-negotiated agreement with the labor organization can perform  
4 project work. All contractors and subcontractors associated with this  
5 work shall be required to utilize apprenticeship agreements as defined  
6 by article twenty-three of the labor law.

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

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

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

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

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

15 (E) Kilowatt-hour sales by project;

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

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

18 (H) Financial and operating information of the energy efficiency  
19 program;

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

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

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

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

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

54 (b) Within three years following the effective date of this subdivi-  
55 sion, the authority's trustees, in consultation with the New York state  
56 energy research and development authority's regional clean energy hubs,

1 shall develop a progressive rate structure based on income and energy  
2 usage to be offered to end-use customers and CCA communities.

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

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

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

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

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

53 39. The authority shall work with existing workforce development  
54 programs, union apprenticeship programs, and regional community energy  
55 hubs to publish a report on the ways that the construction of renewable  
56 projects can best support the development of skilled, well paid local

1 workforces in the renewable energy sector, and shall provide financial  
2 support through the just transition fund established pursuant to subdivi-  
3 vision thirty-seven of this section for pre-apprenticeship programs  
4 through local community based organizations that work with disadvantaged  
5 communities and union run workforce development institutions, where  
6 this support is found to be necessary to the effective development of  
7 this workforce according to the report.

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

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

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

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

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

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

26 § 3. Section 1003 of the public authorities law, as amended by chapter  
27 766 of the laws of 2005, is amended to read as follows:

28 § 1003. Trustees. 1. The authority shall consist of [~~seven~~] seventeen  
29 trustees, five of whom shall serve respectively for terms of one, two,  
30 three, four and five years, to be appointed by the governor, by and with  
31 the advice and consent of the senate. The sixth and seventh trustees  
32 shall be appointed by the governor, by and with the advice and consent  
33 of the senate, and shall serve initial terms of one and two years  
34 respectively. All other trustees shall be appointed as follows: two by  
35 the governor, four by the temporary president of the senate, and four by  
36 the speaker of the assembly, and shall proportionally be selected from  
37 labor union representatives that represent both employees of the author-  
38 ity and employees of construction contractors of the authority, environ-  
39 mental justice advocates, community renewable energy advocates, consumer  
40 advocates, and building electrification and energy efficiency experts.  
41 For any appointment and vacant trustee position, the New York state  
42 energy research and development authority's clean energy hubs shall  
43 select qualified candidates that shall be given reasonable consideration  
44 for an appointment as trustee by the governor, senate, and assembly.

45 Each trustee shall hold office until a successor has been appointed and  
46 qualified or until removed by a majority vote of the legislature or the  
47 governor. At the expiration of the term of each trustee and of each  
48 succeeding trustee [~~the governor shall, by and with the advice and~~  
49 ~~consent of the senate, appoint a successor, who shall hold office for a~~  
50 ~~term of five years, or until a successor has been appointed and quali-~~  
51 ~~fied. In the event of a vacancy occurring in the office of the trustee~~  
52 ~~by death, resignation or otherwise, the governor shall, by and with the~~  
53 ~~advice and consent of the senate, appoint a successor, who shall hold~~  
54 ~~office for the unexpired term. Four trustees shall constitute a quorum~~  
55 ~~for the purpose of organizing the authority and conducting the business~~  
56 ~~thereof.], or the event of a vacancy occurring in the office of the~~



1 trustee by death, resignation or otherwise, the original entities who  
2 appointed that trustee shall appoint a successor, after consideration of  
3 clean energy hub candidates, who shall hold office for the unexpired  
4 term. Nine trustees shall constitute a quorum for the purpose of organ-  
5 izing the authority and conducting the business thereof. Any authority  
6 trustee or board member may be terminated by either a majority vote of  
7 the senate or assembly, or by the governor. Reasons for termination may  
8 include, but are not limited to: failure to meet the renewable energy  
9 targets outlined in this bill; conflicts of interest; failure to prior-  
10 itize climate justice, environmental justice, or economic justice in the  
11 authority's operations; sexual assault or harassment; or corruption.

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

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

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

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

37 § 7. Severability clause. If any clause, sentence, paragraph, subdi-  
38 vision, or section of this act shall be adjudged by any court of compe-  
39 tent jurisdiction to be invalid, such judgment shall not affect, impair,  
40 or invalidate the remainder thereof, but shall be confined in its opera-  
41 tion to the clause, sentence, paragraph, subdivision, or section thereof  
42 directly involved in the controversy in which such judgment shall have  
43 been rendered. It is hereby declared to be the intent of the legislature  
44 that this act would have been enacted even if such invalid provisions  
45 had not been included herein.

46 § 8. This act shall take effect immediately.