§ 1852. New York state energy research and development authority. 1. The authority heretofore known and designated as the "New York state atomic and space development authority" is hereby continued and shall hereafter be known and designated as the New York state energy research and development authority. Reference in any provision of law, general, special or local, or in any rule, regulation or public document to the New York state atomic research and development authority or to the New York state atomic and space development authority shall be deemed to be and construed as a reference to the authority continued by this section. The authority shall be a body corporate and politic, constituting a public benefit corporation.

2. The membership of the authority shall consist of thirteen members, to be as follows: the commissioner of the department of transportation, the commissioner of the department of environmental conservation, the chair of the public service commission, the president and chief executive officer of the power authority of the State of New York, all of whom shall serve ex-officio; and nine members appointed by the governor by and with the advice and consent of the senate; one of whom shall be an engineer or a research scientist with a degree in the physical sciences or engineering who has not been employed in the nuclear fission field for three years preceding the appointment and who shall not be so employed during his or her term; one of whom shall be an economist who shall not have received more than one-tenth of his or her income from an electric utility or gas utility for three years preceding the appointment and who shall not so derive more than one-tenth of his or her income during such term; one of whom who shall be a member of a not-for-profit environmental group; one of whom shall be a member of a not-for-profit consumer group; one of whom who shall be an officer of a utility primarily engaged in the distribution of gas; and one of whom shall be an officer of an electric utility. The governor shall designate the chair. Of the nine members appointed by the governor, two shall be appointed for terms expiring April first, nineteen hundred seventy-eight, two for terms expiring April first, nineteen hundred eighty, two for terms expiring April first, nineteen hundred eighty-one, and three for terms expiring April first, nineteen hundred eighty-two. Persons appointed by the governor for full terms as successors to such

members shall serve for terms of six years each commencing as of April first. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, the governor shall appoint a successor, by and with the advice and consent of the senate, to serve the balance of the unexpired term.

3. The chairman shall preside over meetings of the authority and shall serve as the primary liaison between the members and authority staff. A vice-chairman may be elected by the authority from among its other members to serve as such at the pleasure of the authority. The vice-chairman shall preside over all meetings of the authority in the absence of the chairman and shall have such other duties as the authority may prescribe. The president shall be the chief executive officer of the authority and shall be primarily responsible for the discharge of the executive and administrative functions of the authority.

4. The members, including the chair, shall serve without compensation for their services, but they shall be entitled to reimbursement for their actual and necessary expenses incurred in the performance of their official duties.

5. Any member may engage in private employment, or in a profession or business, subject to the limitations contained in sections seventy-three and seventy-four of the public officers law; provided however, that notwithstanding any other provision of law, the members of the authority who are officers of an electric utility or a utility primarily engaged in the distribution of gas shall not be prohibited from participating and voting on any bond issue of the authority relating to air and water pollution facilities for any utility other than for the utilities of which such members are officers respectively. The authority shall, for the purposes of such sections, be a "state agency" and all members, including the chair, shall be "officers" of the agency for the purposes of said sections.

6. Notwithstanding any inconsistent provisions of law, general, special or local, no officer or employee of the state, or of any civil

division thereof, shall be deemed to have forfeited or shall forfeit his office or employment by reason of his acceptance of membership on the authority; provided, however, a member who holds such other public office or employment shall receive no additional compensation or allowance for services rendered pursuant to this article, but shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of such services.

7. The governor may remove any member for inefficiency, neglect of duty or misconduct in office after giving him a copy of the charges against him, and an opportunity to be heard, in person or by counsel, in his defense, upon not less than ten days' notice. If any member shall be so removed, the governor shall file in the office of the department of state a complete statement of charges made against such member, and his findings thereon, together with a complete record of the proceedings.

8. A majority, but no fewer than five, of the members of the authority then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the authority.

9. The authority may appoint such persons to serve as officers, agents or employees of the authority as it may deem advisable and may prescribe their duties and fix their compensation, subject to the civil service law and the rules and regulations of the civil service commission of the state.

10. The authority may appoint one or more advisory committees consisting of not more than seven members each to consider and advise the authority upon all matters submitted to them by the authority and to recommend to the authority such changes in the administration of this title and the operations of the authority as the advisory committee may deem desirable. Members of advisory committees shall serve without salary for such terms, not to exceed four years, as the authority may determine, and shall be entitled to reimbursement for their actual and necessary travel expenses incurred in the performance of their official duties.