**§ 1854. Purposes and specific powers of the authority.** * The purposes of the authority shall be to develop and implement new energy technologies and invest in build-ready sites, as defined in subdivision eight of section nineteen hundred one of this article, consistent with economic, social and environmental objectives, to develop and encourage energy conservation technologies, to promote, develop, encourage and assist in the acquiring, constructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and industrial pollution control facilities at the Saratoga Research and Development Center, and to promote, develop, encourage and assist special energy projects and thereby advance job opportunities, health, general prosperity and economic welfare of the people of the state of New York. In carrying out such purposes, the authority shall, with respect to the activities specified, have the following powers:

* NB Effective until December 31, 2030

* The purposes of the authority shall be to develop and implement new energy technologies consistent with economic, social and environmental objectives, to develop and encourage energy conservation technologies, to promote, develop, encourage and assist in the acquiring, constructing, improving, maintaining, equipping and furnishing of industrial, manufacturing, warehousing, commercial, research and industrial pollution control facilities at the Saratoga Research and Development Center, and to promote, develop, encourage and assist special energy projects and thereby advance job opportunities, health, general prosperity and economic welfare of the people of the state of New York. In carrying out such purposes, the authority shall, with respect to the activities specified, have the following powers:

* NB Effective December 31, 2030

1. Research, development and demonstration. To conduct, sponsor, assist and foster programs of research, development and demonstration in new energy technologies including but not limited to (a) energy conservation, (b) production of power from new sources with emphasis on renewable energy sources such as solar, wind, bioconversion and solid waste, (c) storage of energy with emphasis on inertial and battery storage, (d) conversion and/or technological improvement of facilities now utilizing nuclear fission energy and fossil fuel energy

technologies, (e) transmission and distribution of power, and (f) conversion of energy and improvements of efficiencies of such conversion, including the power after assessing and taking into account environmental considerations thereof, to establish, acquire, operate, develop and manage facilities therefor.

2. The provision of services. To provide services required for the development and use of new energy technologies and related methods by the industrial, commercial, medical, scientific, public interest, educational and governmental organizations within the state, including the power to establish, acquire and develop facilities therefor not otherwise available within the state, and to operate and manage such facilities.

3. Cooperation with gas and power companies. To contract with or enter into joint undertakings with any gas or power company, or power authority of the state of New York, or more than one of them, to

(a) Participate in the construction and operation of experimental or developmental facilities which implement new energy technologies which have prospects of reducing the economic, environmental and social costs of energy production and utilization.

(b) Participate in the incorporation of features, including facilities which incorporate new energy technologies, in nuclear power plants and the construction of associated facilities to the extent required by the public interest in development, health, recreation, safety, conservation of natural resources and aesthetics.

(c) Participate in the incorporation of features, including facilities which incorporate new energy technologies, in fossil fuel power plants and the construction of associated facilities to the extent required by the public interest in development, health, recreation, safety, conservation of natural resources and aesthetics.

(d) Participate in the construction of facilities to be used for the furnishing of electric energy or gas to the extent required by the public interest in development, health, recreation, safety, conservation of natural resources and aesthetics.

(e) Develop, prepare, and furnish by sale or lease real property owned, held, or acquired by the authority within the state to be used

for the construction and operation of generating facilities based on new energy technologies and related facilities, provided that no such contract or joint venture shall be entered into which shall permit the authority to distribute or sell any power or energy to any person or entity other than the other contracting party or parties or joint venturer or venturers, and provided further that all power and energy received by power authority of the state of New York, pursuant to any such contract or joint venture, shall be distributed and sold only to such persons as power authority of the state of New York may sell power pursuant to law.

4. Water desalination. To contract with one or more water distribution companies or agencies to participate in the construction and operation of power generating facilities for the purpose of desalination or distribution of water, and to develop, prepare, and furnish by sale or lease, real property owned, held or acquired by the authority within the state to be used for the construction and operation of such facilities and facilities related thereto, provided that the authority shall not enter into any such contract relating to any such facility which also produces electric power for purposes of sale unless the authority also contracts with one or more power companies with respect to the construction and operation of such facility and the distribution and use of such power.

5. The dissemination of information. To accumulate and disseminate information relating to the development and use of new energy technologies and energy conservation technologies, including the power to conduct, sponsor, assist and foster studies and surveys, and publish the results thereof.

6. (a) To continue, modify, amend, or terminate such contractual agreements as may be in force at the effective date of this subdivision with regard to the Western New York Nuclear Service Center and the Saratoga Research and Development Center, or take such other action as the authority may deem necessary or appropriate with respect to such Centers in the furtherance of the public interest in safe, reliable and economical energy supplies or protection of public health and safety and

the environment.

(b) (i) Notwithstanding the provisions of any general or special law to the contrary, the director of the budget and the chair of the authority are each authorized to enter into one or more service contracts, and to amend or supplement any existing service contract, with respect to programs, projects, and activities of the authority pursuant to this subdivision, upon such terms as the director of the budget and the chair of the authority may agree, including, but not limited to, provisions relating to the respective obligations of the state and the authority with respect to administration, management, maintenance, and use of the real property at the Western New York Nuclear Service Center held by the authority, design, construction, modification, operation, and maintenance of facilities thereon, and implementation of programs, projects, or activities to improve or correct conditions thereon, including, but not limited to, the West Valley demonstration project, and provisions providing for the payment of (A) all fees and charges of, and expenses and other non-asset costs of financing incurred by, the authority in connection with the issuance and administration of special obligation bonds or notes to pay for or reimburse the state with respect to such actions, and (B) all debt service payments on such bonds and notes. Provided, however, that the aggregate net proceeds of any such bonds or notes issued, excluding any bonds or notes issued for the purpose of refunding other bonds and notes issued under this subdivision, shall not exceed the aggregate of amounts appropriated for such actions in the state fiscal year ending March thirty-one, nineteen hundred ninety-three and any state fiscal year thereafter up to and including the state fiscal year ending March thirty-first, nineteen hundred ninety-nine, not including amounts to be applied to the payment of all fees and other charges of, and expenses and other non-asset costs of financing incurred by, the authority in connection with the issuance and administration of such bonds and notes; and, capitalized interest and debt service reserve funds established for such bonds or notes and the acquisition of insurance, letters of credit or other credit enhancement or liquidity facilities obtained in connection with such bonds or notes.

(ii) Of the moneys expended from appropriations made for the legal requirements of the state debt service and lease purchase payments and

other special contractual obligations, for payment to the authority for payment of principal and interest on bonds issued to finance activities at the Western New York Nuclear Service Center pursuant to one or more service contracts between the state and the authority, an amount not to exceed the amount of such payment as determined by the director of the budget shall be reimbursed to the comptroller according to a schedule determined by the director of the budget, for deposit in the general debt service fund, by the authority.

(iii) Any such contract entered into pursuant to subparagraph (i) of this paragraph shall not exceed thirty years in duration and shall provide that the obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the moneys available for such purpose, and that such obligation is subject to annual appropriation by the legislature.

(iv) Any such contract or any payments made or to be made thereunder may be assigned and pledged by the authority as security for its bonds and notes issued to pay for or reimburse the state with respect to actions undertaken pursuant to this subdivision.

(v) The comptroller is authorized to receive from the authority any portion of proceeds of special obligation bonds or notes issued to pay for or reimburse the state with respect to actions undertaken pursuant to this subdivision and to credit such amounts to the capital projects fund or any other appropriate fund.

7. To advise the legislature of recommendations for implementing new energy technologies and energy conservation measures, annually or so often as the authority shall deem appropriate.

8. Special energy projects. (a) To extend credit and make loans from bond proceeds to any person for the construction, acquisition, installation, reconstruction, improvement, maintenance, equipping, furnishing or leasing of any special energy project or for the reimbursement to any person for costs incurred in connection with a special energy project completed or not completed at the time of such

credit or loan, which credits or loans may, but need not, be secured by mortgages, contracts, leases or other instruments, upon such terms and conditions as the authority shall determine reasonable in connection with such credits or loans.

(b) In the exercise of powers granted in paragraph a of this subdivision in connection with any special energy project, to require the inclusion in any contract, lease, loan agreement or other instrument of such provisions for the financing of such project and such other financial or other covenants as the authority may deem necessary or desirable and to do all things and to execute all instruments necessary and desirable in connection therewith; provided, however, that no contract, lease, loan agreement or other agreement entered into by the authority in furtherance of this authorization shall permit the authority to distribute or sell any power or energy to any person other than a contracting party.

10. To coordinate the state's administration of any energy or energy resource programs of the federal government, including but not limited to those concerned with conservation, allocation, management or education, and to formulate and from time to time revise a state energy conservation plan to be submitted pursuant to the federal Energy Policy and Conservation Act of 1975 last amended by Pub. L. 102-486, Title I, §123(a).

10-a. (a) To administer the air pollution mitigation fund established pursuant to section ninety-nine-g of the state finance law and consisting of moneys collected by the public service commission as an air pollution mitigation offset pursuant to subdivision two of section sixty-six-k of the public service law.

(b) To disburse moneys from such fund for the following purposes: (i) to reduce acid precipitation through energy efficiency, or through public benefit research and development, including, but not limited to, renewable energy; or (ii) the monitoring of, or research related to, the impact of acid precipitation deposition.

(c) To establish guidelines pertaining to the allocation of moneys from such fund.

11. To advise and assist the governor and the legislature in the development and implementation of state policies relating to energy and energy resources.

12. To require and receive from any agency of the state or any political subdivision thereof assistance and data.

13. To act as a central repository and clearinghouse for information on all energy and energy resource related matters including, but not limited to, the availability and use of the most energy efficient and environmentally sensitive outdoor lighting available for public and private uses.

14. To apply for and to administer federal research and development grants and other monies for the benefit of consumers.

15. To prepare an integrated resource plan specifying actions to be taken in the event of the declaration by the governor of an energy or fuel supply emergency pursuant to section 5-117 of the energy law.

16. To promulgate energy use standards after consultation with the commissioner of the office of general services for the purchase, lease, use or maintenance of state buildings and equipment.

17. To implement the provisions of sections 5-108, 5-111, 5-113 and 5-117 of article five and articles six, seven, eight and ten of the energy law.

18. To provide for the deposit of all or a portion of the proceeds collected by the authority from the auction or sale of emission allowances allocated by the department of environmental conservation to the authority pursuant to regulations adopted by the department of environmental conservation to a green jobs-green New York fund to be established in the custody of the commissioner of taxation and finance. The monies in such fund shall be available for the green jobs-green New York program pursuant to title nine-A of article eight of this chapter.

19. To, on its own or through a qualified entity, directly or indirectly, and in consultation with the department of public service:

(a) develop and administer a generation attribute tracking system that records generation attribute information within the state, and processes generation attribute information from energy outside the state that is imported to and consumed within the state, as a basis for creating generation attribute certificates;

(b) assign initial ownership of generation attribute certificates;

(c) provide for the transfer or conveyance, ownership and retirement of generation attribute certificates;

(d) obtain generation, delivery and consumption information from independent system operators, generators, public utility companies, and retail load-serving entities producing, delivering or selling electricity in the state, including, but not limited to, "electric corporations" as defined under subdivision thirteen of section two of the public service law, "cooperatives" as defined under subdivision (a) of section two of the rural electric cooperative law, and any publicly- or municipally-owned utilities, including the power authority of the state of New York and the Long Island power authority, deemed necessary by the authority to verify or supplement such generation attribute tracking system;

(e) facilitate participation in, and use of, such generation attribute tracking system by buyers, sellers and brokers with respect to the ownership, transfer or conveyance, and retirement of generation attribute certificates; and

(f) perform such additional activities as may be deemed necessary by the authority to ensure cooperation and the smooth exchange of information among and between the generation attribute tracking system and similar systems within or outside the state.

20. To administer a program, using funds provided for such purpose, to provide a grant based on standards and guidelines established by the authority for costs as follows:

(a) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (a) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law:

(i) no greater than ten thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; or

(ii) no greater than thirteen thousand dollars required to prewire such retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law and purchase such power source to be permanently affixed at the site.

(b) for each retail outlet that is in operation before April first, two thousand fourteen and is subject to the requirements of paragraph (b) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law, no greater than ten thousand dollars required to: (i) prewire an existing retail outlet with an appropriate transfer switch for using an alternate generated power source as defined in section one hundred ninety-two-h of the agriculture and markets law; and/or (ii) purchase such power source to be permanently affixed at the site.

(c) to the extent funds are available, for retail outlets that become operational on or after April first, two thousand fourteen, or to which subdivision two of section one hundred ninety-two-h of the agriculture and markets law becomes applicable after the effective date of this subdivision, which grants shall otherwise be subject to the same amounts, purposes and restrictions as paragraphs (a) and (b) of this subdivision.

(d) to the extent funds are available, for retail outlets that voluntarily apply before April first, two thousand fifteen and are located on a strategic upstate highway as defined in paragraph (e) of this subdivision or within one-half mile by road measurement from an exit road on a strategic upstate highway, in such amounts and for such purposes as set forth in subparagraphs (i) and (ii) of paragraph (a) of this subdivision.

(e) "Strategic upstate highway" means the following:

(i) I-87 beginning at the Rockland-Orange county line thence northerly passing through or in the vicinity of Albany to the intersection with I-90, the foregoing route being a portion of the New York state thruway; thence continuing northerly to the New York-Canada border;

(ii) I-90 beginning at I-87 in the vicinity of Albany thence westerly passing through or in the vicinity of Schenectady, Utica, Syracuse, Rochester, and Buffalo; thence continuing southwesterly to the New York-Pennsylvania border, the foregoing route being a portion of the New York state thruway;

(iii) the Berkshire section of the New York state thruway beginning at I-87 thence easterly to the intersection with I-90 and continuing on I-90 to the New York-Massachusetts border;

(iv) I-84 beginning at the New York-New Jersey border thence easterly passing through or in the vicinity of Newburgh, thence continuing easterly and southeasterly to the New York-Connecticut border;

(v) I-88 beginning at I-81 in the vicinity of Binghamton thence northeasterly to I-90 in the vicinity of Schenectady;

(vi) I-86/State Route 17 beginning at I-87 in the vicinity of Woodbury thence westerly and northwesterly passing through or in the vicinity of Binghamton, Elmira, and Jamestown, continuing to the New York-Pennsylvania border;

(vii) I-81 beginning at the New York-Pennsylvania border thence northerly passing through or in the vicinity of Syracuse and Watertown, continuing to the New York-Canada border;

(viii) I-390 beginning at I-86 in the vicinity of Avoca thence northwesterly and northerly to I-490 in the vicinity of Rochester; and

(ix) I-190 beginning at I-90 in the vicinity of Buffalo, thence westerly, northwesterly, and northerly through Buffalo, across Grand Island, the foregoing route being a portion of the New York state thruway, and thence generally westerly to the United States-Canada border in the vicinity of Lewiston.

The authority may offer any funds provided for such purpose and not expended to retail outlets that are not included in paragraphs (a) through (d) of this subdivision but that voluntarily seek to participate in such program.

21. To administer a program to establish a pool of generators for retail outlets as defined in section one hundred ninety-two-h of the agriculture and markets law. The authority may enter into or facilitate contracts, lease agreements and any other instruments subject to the

provisions of law, with companies providing generators and generator services to provide for such pool and the deployment and installation of generators in the pool. Retail outlets that elect to participate in the program and are subject to the requirements of paragraph (a) of subdivision three of section one hundred ninety-two-h of the agriculture and markets law shall be required only to pay the actual cost of generator rental, deployment and installation in the event that emergency deployment is required, provided, that a participant must abide by the terms of any contract or written agreement covering the rental, deployment and installation of such generator. In the event that an insufficient number of generators is available to meet required emergency deployment, the authority in consultation with the commissioner of homeland security and emergency services shall prioritize such retail outlets as are most essential to public safety and well-being during the energy or fuel supply emergency. When generators from such program are deployed, the authority shall provide public notice on its website, to the media and through other means practicable of those retail outlets where generators are deployed.

22. To administer a program to provide technical assistance to school districts, school bus fleet operators and public transportation systems on managing zero-emission vehicle fleets and the charging or fueling infrastructure for such zero-emission vehicle fleets.

23. No later than December thirty-first, two thousand twenty-five, and annually thereafter, the authority shall issue a report on the availability of zero-emission school buses and charging or fueling infrastructure that meet the criteria established in subdivision two of section thirty-six hundred thirty-eight of the education law. The authority shall provide technical assistance to school districts, upon request, in pursuing state and federal grants and other funding opportunities to support the purchase and contracting requirements set forth in subdivision two of section thirty-six hundred thirty-eight of the education law.

24. All revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity, pursuant to

sections 75-0107 and 75-0109 of the environmental conservation law, shall be placed into a segregated authority funding account, established pursuant to section eighteen hundred fifty-nine of this title, prior to programmatic or administrative allocation, and shall not be commingled with other authority funds.

25. Within thirty days following receipt of revenues generated pursuant to regulations or actions taken by the department, the authority or any other state entity pursuant to sections 75-0107 and 75-0109 of the environmental conservation law, the authority shall make the following transfers from such segregated authority funding account:

(a) Not less than thirty percent to the New York climate action fund consumer climate action account established pursuant to section ninety-nine-qq of the state finance law;

(b) Up to three percent to the New York climate action fund industrial small business climate action account established pursuant to section ninety-nine-qq of the state finance law; and

(c) Not less than sixty-seven percent to the New York climate action fund climate investment account established pursuant to section ninety-nine-qq of the state finance law.

26. Climate affordability study. The authority and the department of environmental conservation, in consultation with the division of the budget, the department of public service, and the department of taxation and finance, shall conduct a study and issue a report with recommendations for the use of moneys transferred to the consumer climate action account established pursuant to section ninety-nine-qq of the state finance law. Such report shall be guided by the final scoping plan prepared pursuant to section 75-0103 of the environmental conservation law and shall consider, among other things: (a) structure and distribution of benefits in an equitable manner, accounting for potential disproportionate impacts to low-income households and disadvantaged communities; (b) implementation of a variety of mechanisms to meet the varied needs of the people of the state, which may include direct payments, tax credits, transit vouchers, utility assistance, or other financial benefits that are reasonable and practicable; (c) financial benefits that ensure that individuals receiving means-tested

government assistance receive benefits that will not constitute income for purposes of any such means-tested government assistance programs; and (d) benefit programs that limit the administrative effort required of recipients. Such study shall be completed by the first of January, two thousand twenty-four, and shall be delivered to the governor and the legislature.

In exercising the powers granted by this title, the authority shall, insofar as practicable, cooperate and act in conjunction with industrial, commercial, medical, scientific, public interest and educational organizations within the state, and with agencies of the federal government, of the state and its political subdivisions, of other states, and joint agencies thereof.

In carrying out its corporate purposes and in exercising the powers granted by this title, the authority shall be regarded as performing an essential governmental function.