

# PROGRAM BILL # 2

S.

Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,  
and when printed to be committed  
to the Committee on

A.  
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the  
Committee on

\*ECONDVLA\*

(Creates the recharge New York power  
program, extends the expiration of  
the power for jobs program and ener-  
gy cost savings benefit program,  
authorizes certain contrib)

Ec Dev. power 4 jobs

AN ACT

to amend the economic development  
law and the public authorities law,  
in relation to the creation of the  
recharge New York power program; and  
to amend the economic development  
law, the public authorities law, the  
tax law, chapter 316 of the laws of  
1997 amending the public authorities  
law and other laws relating to the  
provision of low cost power to  
foster statewide economic develop-

## IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship  
of this proposal

s20 Adams	s44 Farley	s58 Kennedy	s18 Montgomery	s23 Savino
s15 Addabbo	s02 Flanagan	s34 Klein	s54 Nozzolio	s28 Serrano
s55 Alesi	s08 Fuschillo	s26 Krueger	s53 O'Mara	s51 Seward
s11 Avalla	s59 Gallivan	s27 Kruger	s37 Oppenheimer	s09 Skelos
s40 Ball	s12 Gianaris	s24 Lanza	s21 Parker	s14 Smith
s42 Bonacic	s22 Golden	s39 Larkin	s13 Peralta	s25 Squadron
s46 Breslin	s47 Griffo	s01 LaVella	s30 Perkins	s16 Staviaky
s38 Carlucci	s60 Griecanti	s52 Libous	s61 Ranzanhofer	s35 Stewart-
s50 DeFrancisco	s06 Hannon	s45 Little	s48 Ritchie	Cousins
s32 Diaz	s36 Hassell-	s05 Marcellino	s33 Rivara	s49 Valesky
s17 Dilan	Thompson	s07 Martins	s56 Kobach	s57 Young
s29 Duane	s10 Huntley	s62 Maziarz	s41 Saland	s03 Zeldin
s31 Espallat	s04 Johnson	s43 McDonald	s19 Sampson	

## IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the  
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a042 Jacobs	a102 Miller, J.	a057 Rosenthal
a092 Abinatti	a014 Curran	a095 Jaffee	a038 Miller, M.	a118 Russell
a105 Amadore	a063 Cusick	a057 Jeffries	a052 Millman	a012 Saladino
a084 Arroyo	a045 Cymbrowitz	a135 Johns	a103 Molinaro	a113 Sayward
a035 Aubry	a034 DenDekker	a112 Jordan	a015 Montasano	a029 Scarborough
a124 Barclay	a116 Destito	a099 Katz	a132 Moralle	a016 Schinzel
a040 Barron	a081 Dincowitz	a074 Kavanagh	a039 Moya	a140 Schimmingar
a082 Benedetto	a114 Duprey	a065 Kellner	a003 Murray	a145 Schroeder
a073 Bing	a004 Englebright	a129 Kolb	a037 Nolan	a064 Silver
a122 Blankambush	a071 Farrall	a025 Lencman	a128 Oaks	a036 Sinitas
a055 Boyland	a123 Finch	a091 Latimer	a069 O'Donnell	a146 Smardz
a008 Boyle	a007 Fitzpatrick	a013 Levine	a051 Ortiz	a093 Spano
a026 Breunstein	a137 Friend	a050 Lentol	a136 Palmesano	a079 Stevenson
a044 Brennan	a143 Gabryszak	a125 Lifton	a088 Paulin	a011 Swseney
a131 Bronson	a080 Galef	a072 Linares	a141 Peoples-	a110 Tedisco
a046 Brook-Krasny	a133 Gannt	a127 Lopez, P.	Stokes	a115 Tenney
a147 Burling	a077 Gibson	a053 Lopez, V.	a058 Perry	a002 Thiele
a117 Butler	a149 Giglio	a001 Losquadro	a023 Pheffer	a061 Titona
a101 Cahill	a066 Glick	a126 Lupardo	a087 Pretlow	a031 Titus
a096 Calhoun	a150 Goodell	a111 Magea	a021 Ra	a062 Tobacco
a043 Canara	a075 Gottfried	a120 Magnarelli	a097 Rabbitt	a054 Towas
a106 Canestrari	a005 Graf	a059 Maisel	a009 Raia	a041 Weinstein
a089 Castelli	a098 Gunther	a060 Malliotakis	a006 Ramos	a020 Weisenberg
a086 Castro	a130 Hanna	a030 Markey	a134 Redlich	a024 Weprin
a138 Ceretto	a139 Hawley	a027 Meyersohn	a109 Reilly	a070 Wright
a053 Clark	a148 Hayes	a019 McDonough	a078 Rivera, J.	a094 Schrowski
a047 Colton	a083 Heastie	a104 McManey	a080 Rivera, N.	a100
a010 Conte	a028 Haversi	a017 McKevitt	a076 Rivera, P.	
a032 Cook	a048 Hixind	a108 McLaughlin	a119 Roberts	
a142 Corwin	a018 Hooper	a022 Meng	a055 Robinson	
a085 Crespo	a144 Hoyt	a121 Miller, D.	a068 Rodriguez	

1) Single House Bill (introduced and printed separately in either or both  
houses). Uni-Bill (introduced simultaneously in both houses and printed as one  
bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2 signed  
copies of bill and 4 copies of memorandum in support (single house); or 4 signed  
copies of bill and 8 copies of memorandum in support (uni-bill).

ment, and chapter 645 of the laws of 2006 amending the economic development law and other laws relating to reauthorizing the power authority of the state of New York to make contributions to the general fund, in relation to extending the expiration of the power for jobs program and the energy cost savings benefit program; to amend chapter 477 of the laws of 2009, amending the public authorities law relating to energy efficiency and clean energy initiatives of the power authority of the state of New York, in relation to making such provisions permanent and to repeal subdivision 16 of section 1005 of the public authorities law relating to energy audits

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 "recharge New York power program act."

3 § 2. The economic development law is amended by adding a new section  
4 188-a to read as follows:

5 § 188-a. Recharge New York power program. (a) Definitions. For the  
6 purposes of this section, the following terms shall have the following  
7 meanings:

8 (1) "Applicable criteria" shall mean the criteria specified in subdi-  
9 vision (c) of this section.

10 (2) "Authority" shall mean the power authority of the state of New  
11 York.

12 (3) "Recharge New York power allocation" or "allocation" shall mean an  
13 allocation of recharge New York power by the power authority of the  
14 state of New York pursuant to section one thousand five of the public  
15 authorities law to an eligible applicant recommended by the New York  
16 state economic development power allocation board in accordance with  
17 this section.

18 (4) "Eligible applicant" shall mean an eligible business, eligible  
19 small business, or eligible not-for-profit corporation as defined in  
20 this section, provided however, that an eligible applicant shall not  
21 include retail businesses as defined by the board, including, without  
22 limitation, sports venues, gaming or entertainment-related establish-  
23 ments or places of overnight accommodation.

24 (5) "Eligible business" shall mean a business other than a not-for-  
25 profit corporation which normally utilizes a minimum peak electric  
26 demand in excess of four hundred kilowatts.

1 (6) "Eligible not-for-profit corporation" shall mean a corporation  
2 defined in subdivision five of paragraph (a) of section one hundred two  
3 of the not-for-profit corporation law.

4 (7) "Eligible small business" shall mean a business other than a not-  
5 for-profit corporation which normally utilizes a minimum peak electric  
6 demand equal to or less than four hundred kilowatts.

7 (8) "Recharge New York power" shall mean and consist of equal amounts  
8 of (i) up to four hundred fifty-five megawatts of firm hydroelectric  
9 power from the Niagara and Saint Lawrence hydroelectric projects to be  
10 withdrawn from utility corporations that, prior to the effective date of  
11 this section, purchased such power for the benefit of their domestic and  
12 rural consumers ("recharge New York hydropower"), and (ii) power  
13 procured by the authority through a competitive procurement process,  
14 authority sources (other than the Niagara and Saint Lawrence projects)  
15 or through an alternate method ("recharge New York market power").

16 (b) Applications for recharge New York power allocations. (1) The  
17 board may solicit applications for recharge New York power allocations  
18 under the program created by this section by public notice beginning no  
19 later than February first, two thousand twelve. Such notice may include  
20 newspaper advertisements, press releases, website postings, paper or  
21 electronic mailing, and/or such other form of notice as the board finds  
22 appropriate in consultation with the authority.

23 (2) Applications for recharge New York power allocations shall be in  
24 the form and contain such information, exhibits and supporting data as  
25 the board prescribes in consultation with the authority. A copy of each  
26 application received shall be made available for review by each board  
27 member, and a copy shall be provided to the authority.

1 (3) An applicant who is a recipient of a hydroelectric power allo-  
2 cation or benefits supported by the sale of hydroelectric power under  
3 another program administered in whole or part by the authority shall be  
4 eligible to apply for an allocation under the recharge New York power  
5 program only if it is in substantial compliance with its contractual  
6 commitments made in connection with such other program, provided however  
7 that an applicant shall not receive a recharge New York power allocation  
8 and any other authority power program benefits with respect to the same  
9 quantity of electricity consumed at a facility.

10 (4) Subject to confidentiality requirements, upon receipt of each  
11 application from the board, the authority shall promptly notify by elec-  
12 tronic means, including website postings and such other methods the  
13 board deems appropriate in consultation with the authority, the gover-  
14 nor, the speaker of the assembly, the minority leader of the assembly,  
15 the temporary president of the senate, the minority leader of the  
16 senate, and each member of the state legislature in whose district any  
17 portion of the facility for which an allocation is requested is located.  
18 Such notice shall provide the name and a description of the applicant,  
19 and the address of the facility for which the allocation is requested.  
20 The authority shall also develop a listing which contains the name and a  
21 description of each applicant, the recharge New York power program allo-  
22 cation sought by each applicant, and the address of the facility for  
23 which the applicant requests the allocation, and shall make the listing  
24 available for public review on the authority's website.

25 (c) Review applicable criteria and recommendations. (1) The board  
26 shall review applications submitted under the recharge New York power  
27 program. The board shall make an initial determination of whether the  
28 applicant is an eligible applicant. In the case of an eligible appli-

1 cant, the board may recommend to the authority that an allocation of  
2 recharge New York power be awarded to an applicant for a facility  
3 located in the state of New York based on consideration of the following  
4 criteria which shall be considered in the aggregate and no one of which  
5 shall be presumptively determinative:

6 (i) the significance of the cost of electricity to the applicant's  
7 overall cost of doing business, and the impact that a recharge New York  
8 power allocation will have on the applicant's operating costs;

9 (ii) the extent to which a recharge New York power allocation will  
10 result in new capital investment in the state by the applicant;

11 (iii) the extent to which a recharge New York power allocation is  
12 consistent with any regional economic development council strategies and  
13 priorities;

14 (iv) the type and cost of buildings, equipment and facilities to be  
15 constructed, enlarged or installed if the applicant were to receive an  
16 allocation;

17 (v) the applicant's payroll, salaries, benefits and number of jobs at  
18 the facility for which a recharge New York power allocation is  
19 requested;

20 (vi) the number of jobs that will be created or retained within the  
21 state in relation to the requested recharge New York power allocation,  
22 and the extent to which the applicant will agree to commit to creating  
23 or retaining such jobs as a condition to receiving a recharge New York  
24 power allocation;

25 (vii) whether the applicant, due to the cost of electricity, is at  
26 risk of closing or curtailing facilities or operations in the state,  
27 relocating facilities or operations out of the state, or losing a

1 significant number of jobs in the state, in the absence of a recharge  
2 New York power allocation;

3 (viii) the significance of the applicant's facility that would receive  
4 the recharge New York power allocation to the economy of the area in  
5 which such facility is located;

6 (ix) the extent to which the applicant has invested in energy effi-  
7 ciency measures, will agree to participate in or perform energy audits  
8 of its facilities, will agree to participate in energy efficiency  
9 programs of the authority, or will commit to implement or otherwise make  
10 tangible investments in energy efficiency measures as a condition to  
11 receiving a recharge New York power allocation;

12 (x) whether the applicant receives a hydroelectric power allocation or  
13 benefits supported by the sale of hydroelectric power under another  
14 program administered in whole or in part by the authority;

15 (xi) the extent to which a recharge New York power allocation will  
16 result in an advantage for an applicant in relation to the applicant's  
17 competitors within the state; and

18 (xii) in addition to the foregoing criteria, in the case of a not-for-  
19 profit corporation, whether the applicant provides critical services or  
20 substantial benefits to the local community in which the facility for  
21 which the allocation is requested is located.

22 (2) A recommendation by the board that the authority provide a  
23 recharge New York power allocation to an eligible applicant shall  
24 include, but need not be limited to:

25 (i) the amount of the recharge New York power allocation the board has  
26 determined should be awarded to such eligible applicant, provided howev-  
27 er, that the board may recommend a recharge New York power allocation in  
28 an amount that is less than the amount requested by such applicant;

1 (ii) an effective initial term of the allocation and contract between  
2 the eligible applicant and the authority which shall not exceed seven  
3 years, provided however that the term of any such allocation and  
4 contract shall not become effective before July first, two thousand  
5 twelve;

6 (iii) provisions for effective periodic audits of the recipient of an  
7 allocation for the purpose of determining contract and program compli-  
8 ance, and for the partial or complete withdrawal of an allocation if the  
9 recipient fails to maintain mutually agreed upon commitments, relating  
10 to, among other things, employment levels, power utilization, capital  
11 investments, and/or energy efficiency measures;

12 (iv) a requirement for an agreement by the recipient of an allocation  
13 to (A) undertake at its own expense an energy audit of its facilities at  
14 which the allocation is consumed at least once during the term of the  
15 allocation but in any event not less than once every five years,  
16 provided, however, that such requirement may be waived or modified by  
17 the authority on a showing of good cause by the recipient, and (B)  
18 provide the authority with a copy of any such audit or, at the authori-  
19 ty's option, a report describing the results of such audit, and provide  
20 documentation requested by the authority relating to the implementation  
21 of any efficiency measures at the facilities; and

22 (v) a requirement for an agreement by the recipient of an allocation  
23 to (A) make its facilities available at reasonable times and intervals  
24 for energy audits and related assessments that the authority desires to  
25 perform, if any, at the authority's own expense, and (B) provide infor-  
26 mation requested by the authority or its designee in surveys, question-  
27 naires and other information requests relating to energy efficiency and  
28 energy-related projects, programs and services.

1 (3) The board's recommendation shall require that if the actual  
2 metered load at the facility where the allocation is utilized is less  
3 than the allocation, such allocation will be reduced accordingly,  
4 provided that, under its contract with the authority, the recipient  
5 shall be afforded a reasonable period within which to fully utilize the  
6 allocation, taking into account construction schedules and economic  
7 conditions. The authority shall reallocate any withdrawn or relinquished  
8 power for the recharge New York power program consistent with paragraph  
9 four of this subdivision.

10 (4) The board may base its recommendation on which eligible applicants  
11 it determines best meet the applicable criteria; provided, however, that  
12 the board shall dedicate recharge New York power as follows: (i) at  
13 least three hundred fifty megawatts for use at facilities located within  
14 the service territories of the utility corporations that, prior to the  
15 effective date of this section, purchased Niagara and Saint Lawrence  
16 hydroelectric power for the benefit of their domestic and rural consum-  
17 ers; (ii) at least two hundred megawatts for the purposes of attracting  
18 new business to the state, creating new business within the state, or  
19 encouraging the expansion of existing businesses within the state, that  
20 create new jobs or leverage new capital investment; and (iii) an amount  
21 not to exceed one hundred megawatts for eligible small businesses and  
22 eligible not-for-profit corporations.

23 (5) The board shall issue a written statement of its findings and  
24 conclusions with respect to every application and the reasons for its  
25 recommendation to the authority.

26 (6) A recommendation for a recharge New York power allocation shall  
27 qualify an applicant to enter into a contract with the authority pursu-

1 ant to the terms and conditions of the recommendation by the board and  
2 on such other terms as the authority determines to be appropriate.

3 (7) The board shall not recommend a total of recharge New York power  
4 allocations in excess of nine hundred ten megawatts.

5 (d) The authority shall work cooperatively with the department of  
6 public service to recommend to the public service commission reduced  
7 rates or an equivalent mechanism for the delivery by utility corpo-  
8 rations of recharge New York power program allocations. Any such recom-  
9 mendation for reduced delivery rates shall be at such level as to allow  
10 the utility to (i) recover the incremental cost of providing delivery  
11 service to such customers, and (ii) contribute to the common delivery  
12 and related costs which otherwise would be borne by other customers.

13 (e) The authority shall, at a minimum, report quarterly to the board  
14 on the availability of recharge New York power for the subsequent  
15 twelve-month period, the amount of such power allocated and other rele-  
16 vant information.

17 (f) After an award of a recharge New York power allocation, the board  
18 shall accept requests from recipients who at the time of such request  
19 are eligible applicants who are in substantial compliance with contrac-  
20 tual commitments made in connection with the recharge New York power  
21 program for an extension of an existing allocation (i) during the twen-  
22 ty-four month period immediately preceding the expiration of the term of  
23 the allocation, or (ii) at such earlier time with the consent of the  
24 authority in writing. Requests for extensions shall be reviewed using  
25 the criteria set forth in paragraph one of subdivision (c) of this  
26 section.

27 (g) Transfers of recharge New York power. Notwithstanding any other  
28 approval required by statute, regulation or contract, the transfer of a

1 recharge New York power allocation to a different recipient, to a  
2 different owner or operator of a facility, or to a different facility is  
3 prohibited unless specifically approved by the board as consistent with  
4 the criteria and requirements of this section. Any transfer that occurs  
5 without the board's approval shall be invalid and such transfer may  
6 subject the transferor to revocation or modification of its allocation  
7 and contract.

8 (h) (1) The board, in consultation with the authority, shall submit to  
9 the governor, temporary president of the senate, speaker of the assem-  
10 bly, minority leader of the senate and minority leader of the assembly  
11 an evaluation of the effectiveness of the recharge New York power  
12 program. Such evaluation shall focus on how the program has aided  
13 recipients of power allocations, and may include recommendations for how  
14 the program can be made more effective, and shall be based, in part, on  
15 the relative costs of power for recipients in comparison to the cost of  
16 power for non-recipients. Such evaluation shall be submitted by Decem-  
17 ber thirty-first, two thousand fifteen and by December thirty-first  
18 every five years thereafter.

19 (2) The board, with assistance from the authority, shall maintain the  
20 necessary records and data required to perform such evaluation and  
21 respond to requests for information pursuant to article six of the  
22 public officers law.

23 § 3. Section 1005 of the public authorities law is amended by adding a  
24 new subdivision 13-a to read as follows:

25 13-a. Recharge New York power program. (a) Notwithstanding any other  
26 provision of law to the contrary, but subject to the terms and condi-  
27 tions of federal energy regulatory commission licenses, to allocate,  
28 reallocate or extend, directly or by sale for resale, up to nine hundred

1 ten megawatts of recharge New York power to eligible applicants located  
2 within the state of New York upon the recommendation of the New York  
3 state economic development power allocation board pursuant to section  
4 one hundred eighty-eight-a of the economic development law.

5 (b) Recharge New York power shall mean and consist of equal amounts of  
6 (1) up to four hundred fifty-five megawatts of firm hydroelectric power  
7 from the Niagara and Saint Lawrence hydroelectric projects to be with-  
8 drawn, as of the earliest date such power may be withdrawn consistent  
9 with contractual requirements, from utility corporations that, prior to  
10 the effective date of this subdivision, purchased such power for the  
11 benefit of their domestic and rural consumers ("recharge New York hydro-  
12 power"), and (2) power procured by the authority through market sources,  
13 a competitive procurement process, or authority sources (other than the  
14 Niagara and Saint Lawrence projects) (collectively or individually,  
15 "recharge New York market power"); provided, however, that if such  
16 recharge New York market power comes from authority sources, the use of  
17 that power shall not reduce the availability of, or cause an increase in  
18 the price of, power provided by the authority for any other program  
19 authorized in this article or pursuant to any other statute.

20 (c) Notwithstanding section one thousand nine of this title or any  
21 other provision of law to the contrary, the authority is authorized,  
22 beginning July first, two thousand twelve, to make available, contract  
23 with and sell to such eligible applicants as are recommended by the  
24 economic development power allocation board up to nine hundred ten mega-  
25 watts of recharge New York power for recharge New York power allo-  
26 cations. A recharge New York power allocation shall consist of equal  
27 parts of recharge New York hydropower and recharge New York market power  
28 as such terms are defined in paragraph (b) of this subdivision;

1 provided, however, that prior to entering into a contract with an eligi-  
2 ble applicant for the sale of recharge New York power, and prior to the  
3 provision of electric service relating to the recharge New York power  
4 allocation, the authority shall offer each eligible applicant the option  
5 to decline to purchase the recharge New York market power component of  
6 such allocation. If an eligible applicant declines to purchase such  
7 market power from the authority, the authority shall have no responsi-  
8 bility for supplying such market power to the eligible applicant.

9 § 4. Section 1005 of the public authorities law is amended by adding a  
10 new subdivision 13-b to read as follows:

11 13-b. Residential consumer discount programs. (a) Residential consum-  
12 er electricity cost discount. Notwithstanding any provision of this  
13 title or article six of the economic development law to the contrary,  
14 the authority is authorized, as deemed feasible and advisable by the  
15 trustees, to use revenues from the sale of hydroelectric power, and such  
16 other funds of the authority as deemed feasible and advisable by the  
17 trustees, to fund monthly payments to be made for the benefit of such  
18 classes of electricity consumers as enjoyed the benefits of authority  
19 hydroelectric power withdrawn pursuant to subdivision thirteen-a of this  
20 section, for the purpose of mitigating price impacts associated with the  
21 reallocation of such power in the manner described in this subdivision.  
22 Such monthly payments shall commence after such hydroelectric power is  
23 withdrawn. The total annual amount of monthly payments for each of the  
24 three twelve month periods following withdrawal of such hydroelectric  
25 power shall be one hundred million dollars. The total annual amount of  
26 monthly payments for each of the two subsequent twelve month periods  
27 shall be seventy million dollars and fifty million dollars, respective-  
28 ly. Thereafter, the total annual amount of monthly payments for each

1 twelve month period shall be thirty million dollars. The total amount  
2 of monthly payments shall be apportioned by the authority among the  
3 utility corporations that, prior to the effective date of this subdivi-  
4 sion, purchased such hydroelectric power for the benefit of their domes-  
5 tic and rural consumers according to the relative amounts of such power  
6 purchased by such corporations. The monthly payments shall be credited  
7 to the electricity bills of such corporations' domestic and rural  
8 consumers in a manner to be determined by the public service commission  
9 of the state of New York. The monthly credit provided by any such  
10 corporation to any one consumer shall not exceed the total monthly elec-  
11 tric utility cost incurred by such consumer.

12 (b) Agricultural consumer electricity cost discount. (1) Beginning  
13 with the second twelve month period after such hydroelectric power is  
14 withdrawn, up to eight million dollars of the residential consumer elec-  
15 tricity cost discount established by paragraph (a) of this subdivision  
16 shall be dedicated for monthly payments to agricultural producers who  
17 receive electric service at the residential rate. The total amount of  
18 monthly payments shall be apportioned by the authority among the utility  
19 corporations in the same manner as they are apportioned in paragraph (a)  
20 of this subdivision. Monthly payments shall be credited to the electric-  
21 ity bills of such corporations' agricultural consumers in a manner to be  
22 determined by the public service commission of the state of New York.  
23 The combined monthly credit, under this paragraph and paragraph (a) of  
24 this subdivision, provided by any such corporation to any one consumer  
25 shall not exceed the total monthly electric utility cost incurred by  
26 such consumer.

27 (2) The authority shall work cooperatively with the department of  
28 public service to evaluate the agricultural consumer electricity cost

1 discount, which shall include an assessment of the benefits to recipi-  
2 ents compared to the benefits the recipients received from the authori-  
3 ty's hydroelectric power, withdrawn pursuant to subdivision thirteen-a  
4 of this section, during the twelve month period ending December thirty-  
5 first, two thousand ten, and compared to other agricultural consumers  
6 that did not choose to receive the discount.

7 § 5. Section 1005 of the public authorities law is amended by adding a  
8 new subdivision 18 to read as follows:

9 18. For the purpose of furnishing the state with systematic informa-  
10 tion regarding the status and the activities of the authority, the  
11 authority shall submit to the governor, the temporary president of the  
12 senate, speaker of the assembly, the minority leader of the senate and  
13 the minority leader of the assembly, within ninety days after the end of  
14 its fiscal year, a complete and detailed annual report on each economic  
15 development power program it administers. Such annual report shall  
16 include, but not be limited to, the following information:

17 a. the number of recipients of economic power program benefits, the  
18 economic region in which each recipient is located, the type and amount  
19 of assistance provided, megawatts of power awarded, length of current  
20 contract, current contract compliance status, last audit, number of jobs  
21 retained and/or added in the fiscal year, approximate energy efficiency  
22 savings and amount of power reallocated from previous years due to  
23 forfeited benefits; and

24 b. cost to the authority to provide economic development power  
25 programs during the previous fiscal year.

26 § 6. Transitional electricity discount. Notwithstanding any provision  
27 of title 1 of article 5 of the public authorities law or article 6 of  
28 the economic development law to the contrary, with respect to applicants

1 who are in substantial compliance with all contractual commitments and  
2 receiving benefits under the power for jobs, energy cost savings bene-  
3 fit, economic development, high load factor or municipal distribution  
4 agency programs, but do not receive a recommendation from the New York  
5 state economic development power allocation board for a recharge New  
6 York power allocation pursuant to section 188-a of the economic develop-  
7 ment law, such board shall recommend that the power authority of the  
8 state of New York provide for a transitional electricity discount to  
9 such applicants. The power authority of the state of New York is author-  
10 ized, as deemed feasible and advisable by the trustees, to provide such  
11 transitional electricity discounts as recommended by the New York state  
12 economic development power allocation board. The power authority of the  
13 state of New York shall identify and advise such board whether suffi-  
14 cient funds are available for the funding of such transitional electric-  
15 ity discounts through June 30, 2016. The amount of the transitional  
16 electricity discount for the period July 1, 2012 through June 30, 2014  
17 shall be equivalent to 66 percent of the unit (per kilowatt-hour) value  
18 of the savings received by the applicant under the power for jobs or  
19 energy cost savings benefit programs during the 12 months ending on  
20 December 31, 2010. The amount of the transitional electricity discount  
21 for the period July 1, 2014 through June 30, 2016 shall be equivalent to  
22 33 percent of the unit (per kilowatt-hour) value of the savings received  
23 by the applicant under the power for jobs or energy cost savings benefit  
24 programs during the 12 months ending on December 31, 2010.

25 § 7. Section 9 of chapter 316 of the laws of 1997 amending the public  
26 authorities law and other laws relating to the provision of low cost  
27 power to foster statewide economic development, as amended by chapter  
28 311 of the laws of 2010, is amended to read as follows:

1 § 9. This act shall take effect immediately and shall expire and be  
2 deemed repealed [May 15, 2011] June 30, 2012.

3 § 8. Section 11 of chapter 645 of the laws of 2006 amending the  
4 economic development law and other laws relating to reauthorizing the  
5 New York power authority to make contributions to the general fund, as  
6 amended by chapter 311 of the laws of 2010, is amended to read as  
7 follows:

8 § 11. This act shall take effect immediately and shall be deemed to  
9 have been in full force and effect on and after April 1, 2006; provided,  
10 however, that the amendments to section 183 of the economic development  
11 law and subparagraph 2 of paragraph g of the ninth undesignated para-  
12 graph of section 1005 of the public authorities law made by sections two  
13 and six of this act shall not affect the expiration of such section and  
14 subparagraph, respectively, and shall be deemed to expire therewith;  
15 provided further, however, that the amendments to section 189 of the  
16 economic development law and subdivision 9 of section 186-a of the tax  
17 law made by sections three, four, five and ten of this act shall not  
18 affect the repeal of such section and subdivision, respectively, and  
19 shall be deemed to be repealed therewith; provided further, however,  
20 that section seven of this act shall expire and be deemed repealed [May  
21 15, 2011] June 30, 2012.

22 § 9. Paragraphs 2 and 4 of subdivision (h) of section 183 of the  
23 economic development law, as amended by chapter 311 of the laws of 2010,  
24 are amended to read as follows:

25 2. During the period commencing on November first, two thousand five  
26 and ending on [May fifteenth, two thousand eleven] June thirtieth, two  
27 thousand twelve eligible businesses shall only include customers served  
28 under the power authority of the state of New York's high load factor,

1 economic development power and other business customers served by poli-  
2 tical subdivisions of the state authorized by law to engage in the  
3 distribution of electric power that were authorized to be served by the  
4 authority from the authority's former James A. Fitzpatrick nuclear power  
5 plant as of the effective date of this subdivision whose power prices  
6 may be subject to increase before [May fifteenth, two thousand eleven]  
7 June thirtieth, two thousand twelve. Provided, however, that the total  
8 amount of megawatts of replacement and preservation power which, due to  
9 the extension of the energy cost savings benefits, are not relinquished  
10 by or withdrawn from a recipient shall be deemed to be relinquished or  
11 withdrawn for purposes of offering such megawatts by the authority for  
12 reallocation pursuant to subdivision thirteen of section one thousand  
13 five of the public authorities law. Provided, further, that for any such  
14 reallocation, the authority shall maintain the same energy cost savings  
15 benefit level for all eligible businesses using any available authority  
16 resources as deemed feasible and advisable by the trustees pursuant to  
17 section seven of part U of chapter fifty-nine of the laws of two thou-  
18 sand six.

19 4. Applications for an energy cost savings benefit shall be in the  
20 form and contain such information, exhibits and supporting data as the  
21 board may prescribe. The board shall review the applications received  
22 and shall determine the applications which best meet the criteria estab-  
23 lished for the benefits pursuant to this subdivision and it shall recom-  
24 mend such applications to the power authority of the state of New York  
25 with such terms and conditions as it deems appropriate; provided, howev-  
26 er, that for energy cost savings benefits granted on or after [June  
27 thirtieth, two thousand nine] May fifteenth, two thousand eleven through  
28 [May fifteenth, two thousand eleven] June thirtieth, two thousand

1 twelve, the board shall expedite the awarding of such benefits and shall  
2 defer the review of compliance with such criteria until after the appli-  
3 cant has been awarded an energy cost savings benefit. Such terms and  
4 conditions shall include reasonable provisions providing for the partial  
5 or complete withdrawal of the energy cost savings benefit in the event  
6 the recipient fails to maintain mutually agreed upon commitments that  
7 may include, but are not limited to, levels of employment, capital  
8 investment and power utilization. Recommendation for approval of an  
9 energy cost savings benefit shall qualify an applicant to receive an  
10 energy cost savings benefit from the power authority of the state of New  
11 York pursuant to the terms and conditions of the recommendation.

12 § 10. The opening paragraph of paragraph 5 of subdivision (a) of  
13 section 189 of the economic development law, as amended by chapter 311  
14 of the laws of 2010, is amended to read as follows:

15 "Power for jobs electricity savings reimbursements" shall mean  
16 payments made by the power authority of the state of New York as recom-  
17 mended by the board to recipients of allocations of power under phases  
18 four and five of the power for jobs program for a period of time until  
19 November thirtieth, two thousand four, subsequent to the expiration of  
20 their phase four or five power for jobs contract provided however that  
21 any power for jobs recipient may choose to receive an electricity  
22 savings reimbursement as a substitute for a contract extension for the  
23 period from the date the recipient's contract expires through [May  
24 fifteenth] June thirtieth, two thousand [eleven] twelve. The "basic  
25 reimbursement" is an amount that when credited against the recipient's  
26 actual "unit cost of electricity" during a quarter (meaning the cost for  
27 commodity and delivery per kilowatt-hour for the quantity of electricity  
28 purchased and delivered under the power for jobs program during a simi-

1 lar period in the final year of the recipient's contract), results in an  
2 effective unit cost of electricity during the quarter equal to the aver-  
3 age unit cost of electricity such recipient paid during the final year  
4 of the contract for power allocated under phase four or five of the  
5 power for jobs program, provided however that notwithstanding the fore-  
6 going, for the period July first, two thousand eleven through June thir-  
7 tieth, two thousand twelve, the basic reimbursement shall be an amount  
8 such that the recipient receives unit (per kilowatt-hour) electricity  
9 savings equivalent to the average unit electricity savings received  
10 during the twelve months ending on December thirty-first, two thousand  
11 ten.

12 § 11. Subdivisions (f) and (l) of section 189 of the economic develop-  
13 ment law, as amended by chapter 311 of the laws of 2010, are amended to  
14 read as follows:

15 (f) Eligibility. The board shall recommend applications for allo-  
16 cations of power under the power for jobs program to or for the use of  
17 businesses which normally utilize a minimum peak electric demand in  
18 excess of four hundred kilowatts; provided, however, that up to one  
19 hundred megawatts of power available for allocation during the initial  
20 three phases of the power for jobs program may be recommended for allo-  
21 cations to not-for-profit corporations and to small businesses; and,  
22 provided, further that up to seventy-five megawatts of power available  
23 for allocation during the fourth phase of the program may be recommended  
24 for allocations to not-for-profit corporations and to small businesses.

25 The board may require small businesses that normally utilize a minimum  
26 peak electric demand of less than one hundred kilowatts to aggregate  
27 their electric demand in amounts of no less than one hundred kilowatts,  
28 for the purposes of applying to the board for an allocation of power.

1 The board shall recommend allocations of the additional three hundred  
2 megawatts available during the fourth phase of the program to any such  
3 eligible applicant, including any recipient of power allocated during  
4 the first phase of the program. The board shall recommend allocations of  
5 the additional one hundred eighty-three megawatts available during the  
6 fifth phase of the program to any eligible applicant, including any  
7 recipient of power allocated during the second and third phases of the  
8 program; provided, however, that the term of contracts for allocations  
9 under the fifth phase of the program shall in no case extend beyond [May  
10 fifteenth, two thousand eleven] June thirtieth, two thousand twelve.  
11 Notwithstanding any provision of law to the contrary, and, in partic-  
12 ular, the provisions of this chapter concerning the terms of contracts  
13 for allocations under the power for jobs program, the terms of any  
14 contract with a recipient of power allocated under phase two of the  
15 power for jobs program that has expired or will expire on or before the  
16 thirty-first day of August, two thousand two, may be extended by the  
17 power authority of the state of New York for an additional period of  
18 three months effective on the date of such expiration, pending the  
19 filing and approval of an application by such recipient for an allo-  
20 cation under the fifth phase of the program. The term of any new  
21 contract with such recipient under the fifth phase of the program shall  
22 be deemed to include any three month contract extension made pursuant to  
23 this subdivision and the termination date of any such new contract under  
24 ~~phase five shall be no later than if such new contract had commenced~~  
25 upon the expiration of the recipient's original phase two contract. The  
26 terms of any contract with a recipient of power allocated under phase  
27 four and/or phase five of the power for jobs program that has expired or  
28 will expire on or before the thirty-first day of December, two thousand

1 five, may be extended by the power authority of the state of New York  
2 from a date beginning no earlier than the first day of December, two  
3 thousand four and extending through [May fifteenth, two thousand eleven]  
4 June thirtieth, two thousand twelve.

5 (1) The board shall solicit and review applications for the power for  
6 jobs electricity savings reimbursements and contract extensions from  
7 recipients of power for jobs allocations under phases four and five of  
8 the program for the award of such reimbursements and/or contract exten-  
9 sions. The board may prescribe a simplified form and content for an  
10 application for such reimbursements or extensions. An applicant shall be  
11 eligible for such reimbursements and/or extensions only if it is in  
12 compliance with and agrees to continue to meet the job retention and  
13 creation commitments set forth in its prior power for jobs contract, or  
14 such other commitments as the board deems reasonable; provided, however,  
15 that for the power for jobs electricity savings reimbursements and  
16 contract extensions granted on or after [June thirtieth, two thousand  
17 nine] May fifteenth, two thousand eleven through [May fifteenth, two  
18 thousand eleven] June thirtieth, two thousand twelve, the board shall  
19 expedite the awarding of such reimbursements and/or extensions and shall  
20 defer the review of compliance with such commitments until after the  
21 applicant has been awarded a power for jobs electricity savings  
22 reimbursement and/or contract extension. The board shall review such  
23 applications and make recommendations for the award: 1. of such  
24 reimbursements through the power authority of the state of New York for  
25 a period of time up to November thirtieth, two thousand four, and 2. of  
26 such contract extensions or reimbursements as applied for by the recipi-  
27 ent for a period of time beginning December first, two thousand four and  
28 ending [May fifteenth, two thousand eleven] June thirtieth, two thousand

1 twelve. At no time shall a recipient receive both a reimbursement and  
2 extension after December first, two thousand four. The power authority  
3 of the state of New York shall receive notification from the board  
4 regarding the award of power for jobs electricity savings reimbursements  
5 and/or contract extensions.

6 § 12. Subdivision 9 of section 186-a of the tax law, as amended by  
7 chapter 217 of the laws of 2009, is amended to read as follows:

8 9. Notwithstanding any other provision of this chapter or any other  
9 law to the contrary, for taxable periods nineteen hundred ninety-seven  
10 through and including two thousand [ten] twelve, any utility which  
11 delivers power under the power for jobs program, as established by  
12 section one hundred eighty-nine of the economic development law, shall  
13 be allowed a credit, subject to the limitations thereon contained in  
14 this subdivision, against the tax imposed under this section equal to  
15 net lost revenues from the delivery of power under such power for jobs  
16 program. Net lost revenues means the "net receipts" less "net utility  
17 revenue" from such delivery of power. For purposes of this subdivision,  
18 "net receipts" shall mean the amount that the utility would have other-  
19 wise received from customers receiving power pursuant to allocations by  
20 the New York state economic development power allocation board in  
21 accordance with section one hundred eighty-nine of the economic develop-  
22 ment law, or from customers whose allocation has been transferred to an  
23 energy service company, or from energy service companies to which such  
24 allocation has been transferred, pursuant to its tariff supervised by  
25 the public service commission for substantially comparable service  
26 otherwise applicable to such customers or energy service companies in  
27 the absence of such designation, less the utility's annual average  
28 incremental short-term variable and capacity costs of providing such

1 power in the absence of such purchase. For the purposes of this subdivi-  
2 sion, "net utility revenue" shall mean the revenues the utility actually  
3 receives in accordance with such section one hundred eighty-nine from  
4 such customers so designated by the New York state economic development  
5 power allocation board or from customers whose allocation has been  
6 transferred to an energy service company, or from the energy service  
7 companies to which a power for jobs allocation has been transferred,  
8 less the utility's cost of such power under such program. Provided,  
9 however, that any credit under this section shall be used only with  
10 respect to the same taxable year during which such credit arose and  
11 shall not be capable of being carried forward or backward to any other  
12 taxable period. Nor shall any credit be allowed to any utility for the  
13 total amount of power, expressed in kilowatt hours, purchased by the  
14 customers of such utility under such program during the taxable period  
15 that exceeds the prorated "baseline energy use" by all customers of that  
16 utility purchasing power under such program during the taxable period.  
17 "Baseline energy use" with respect to each customer shall mean the larg-  
18 est amount of kilowatt hours of energy used by such customer during any  
19 twelve consecutive month period occurring during the preceding thirty  
20 months immediately preceding the New York state economic development  
21 power allocation board's recommendation of such customer's application,  
22 prorated to reflect the length of time of the customer's participation  
23 in such program during the taxable period. Provided further, however,  
24 that in accordance with subdivision (k) of section one hundred eighty-  
25 nine of the economic development law no tax credit shall be available  
26 for any revenue losses when a utility has declined to purchase power  
27 allocated for sale under such program. No electric corporation shall be  
28 allowed the tax credit authorized by this subdivision until it shall

1 file a certificate from the department of public service for the period  
2 covered by the return verifying that the calculation of such tax credit  
3 complies with this subdivision and the department of public service has  
4 approved such certificate and forwarded a copy of such approved certifi-  
5 cate to the commissioner or any amended certificate resulting from the  
6 need for correction. The credit allowed by this subdivision shall not be  
7 applicable in calculating any other tax imposed or authorized to be  
8 imposed by this chapter or any other law, and the amount of the tax  
9 surcharge imposed under section one hundred eighty-six-c of this article  
10 shall be calculated and payable as if the credit provided for by this  
11 subdivision were not allowed.

12 § 13. Subparagraph 2 of paragraph g of the ninth undesignated para-  
13 graph of section 1005 of the public authorities law, as amended by chap-  
14 ter 217 of the laws of 2009, is amended to read as follows:

15 2. The authority, as deemed feasible and advisable by the trustees, is  
16 authorized to make payments to recipients of the power for jobs elec-  
17 tricity savings reimbursements and additional annual voluntary contrib-  
18 utions into the state treasury to the credit of the general fund. The  
19 authority shall make such contributions to the state treasury no later  
20 than ninety days after the end of the calendar year in which a credit  
21 under subdivision nine of section one hundred eighty-six-a of the tax  
22 law is available: (a) for the additional three hundred megawatts of  
23 power under the fourth phase of the program provided under chapter  
24 sixty-three of the laws of two thousand and under the fifth phase for  
25 the additional one hundred eighty-three megawatts provided under chapter  
26 two hundred twenty-six of the laws of two thousand two; and (b) for any  
27 extension of any contract for allocations under the fourth phase of the  
28 program and under the fifth phase of the program. Payments for any elec-

1 tricity savings reimbursement under section one hundred eighty-nine of  
2 the economic development law shall be made pursuant to such section.  
3 Such annual contributions shall be equal to fifty percent of the total  
4 amount of such credits available each year to all local distributors of  
5 electricity. In addition, such authorization for contribution in state  
6 fiscal year two thousand two--two thousand three shall be equal to the  
7 total amount of credit available in two thousand one and two thousand  
8 two; and such authorization for contribution in state fiscal year two  
9 thousand three--two thousand four shall be equal to the total amount of  
10 credit available in two thousand three; under subdivision nine of  
11 section one hundred eighty-six-a of the tax law under the fourth phase  
12 of the program for the additional three hundred megawatts provided under  
13 chapter sixty-three of the laws of two thousand and under the fifth  
14 phase for the additional one hundred eighty-three megawatts provided  
15 under chapter two hundred twenty-six of the laws of two thousand two. In  
16 state fiscal year two thousand four--two thousand five, such authorized  
17 annual contribution shall be equal to one hundred percent of the total  
18 amount of such credits available each year to all local distributors of  
19 electricity. Such authorization for contribution in state fiscal years  
20 two thousand four and two thousand five shall be equal to the total  
21 amount of credit available in two thousand four and two thousand five;  
22 under subdivision nine of section one hundred eighty-six-a of the tax  
23 law under the fourth phase of the program for the additional three  
24 hundred megawatts provided under chapter sixty-three of the laws of two  
25 thousand and under the fifth phase for the additional one hundred eight-  
26 y-three megawatts provided under chapter two hundred twenty-six of the  
27 laws of two thousand two. In addition, such authorization for contrib-  
28 ution for any extension of any contract for allocations under the fourth

1 phase of the program and under the fifth phase of the program in each  
2 state fiscal year shall be equal to the total amount of credit or  
3 reimbursement available in state fiscal year two thousand four--two  
4 thousand five, state fiscal year two thousand five--two thousand six and  
5 two thousand six--two thousand seven. Additionally, notwithstanding any  
6 other section of law, the authority is authorized to make a contribution  
7 in an amount related to total amounts of credit received under phases  
8 one, two, three, four and five of the program. In no case shall the  
9 contribution for state fiscal year two thousand five--two thousand six  
10 be less than seventy-five million dollars. The contribution for state  
11 fiscal year two thousand six--two thousand seven shall be one hundred  
12 million dollars. The contribution for state fiscal year two thousand  
13 seven--two thousand eight shall be thirty million dollars. The contrib-  
14 ution for state fiscal year two thousand eight--two thousand nine shall  
15 be twenty-five million dollars. The contribution for state fiscal year  
16 two thousand nine--two thousand ten shall be twelve million five hundred  
17 thousand dollars. The contribution for state fiscal year two thousand  
18 ten--two thousand eleven shall be seven and one-half million dollars.  
19 The contribution for state fiscal year two thousand eleven--two thousand  
20 twelve shall be six million dollars. The department of public service  
21 shall estimate the payment due by the end of the calendar year in which  
22 the credit is available. In no case shall the amount of the total annual  
23 contributions for the years during which delivery and sale of power  
24 associated with all power for jobs phases and any extensions thereof  
25 takes place exceed the aggregate total of four hundred [sixty-one]  
26 seventy-five million [five hundred thousand] dollars.

1 § 14. The opening paragraph of subdivision 5 of section 1005 of the  
2 public authorities law, as amended by chapter 294 of the laws of 1968,  
3 is amended to read as follows:

4 To develop, maintain, manage and operate those parts of the Niagara  
5 and Saint Lawrence hydroelectric projects owned or controlled by it in  
6 such manner as to give effect to the policy hereby declared (and all  
7 plans and acts, and all contracts for the use, sale, transmission and  
8 distribution of the power generated by such projects, shall be made in  
9 the light of, consistent with and subject to this policy), namely, that  
10 such projects shall be in all respects for the aid, improvement, and  
11 benefit of commerce and navigation in, through, along and past the  
12 Niagara river, the Saint Lawrence river and the international rapids  
13 section thereof, and that in the development of hydro-electric power  
14 therefrom such projects shall be considered primarily as for the benefit  
15 of the people of the state as a whole [and particularly the domestic and  
16 rural consumers to whom the power can economically be made available,  
17 and accordingly that sale to and use by industry shall be a secondary  
18 purpose, to be utilized principally to secure a sufficiently high load  
19 factor and revenue returns to permit domestic and rural use at the  
20 lowest possible rates and in such manner as to encourage increased  
21 domestic and rural use of electricity]. In furtherance of this policy  
22 and to secure a wider distribution of such power and use of the greatest  
23 value to the general public of the state, the authority shall in addi-  
24 tion to other methods which it may find advantageous make provision so  
25 that municipalities and other political sub-divisions of the state now  
26 or hereafter authorized by law to engage in the distribution of electric  
27 power may secure a reasonable share of the power generated by such  
28 projects, and shall sell the same or cause the same to be sold to such

1 municipalities and political subdivisions at prices representing cost of  
2 generation, plus capital and operating charges, plus a fair cost of  
3 transmission, all as determined by the trustees, and subject to condi-  
4 tions which shall assure the resale of such power [to domestic and rural  
5 consumers] at the lowest possible price, provided, however, that in  
6 disposing of hydro-electric power pursuant to and in furtherance of the  
7 aforementioned policy and purposes, appropriate provision may also be  
8 made to allocate a reasonable share of project power to agencies created  
9 or designated by other states and authorized to resell the power to  
10 users under the same terms and conditions as power is disposed of in New  
11 York state. To that end, the authority may provide in any contract or  
12 contracts which it may make for the sale, transmission and distribution  
13 of the power that the purchaser, transmitter or distributor shall  
14 construct, maintain and operate, on such terms as the authority may deem  
15 proper, such connecting lines as may be necessary for transmission of  
16 the power from main transmission lines to such municipalities or poli-  
17 tical subdivisions.

18 § 15. Subdivision 16 of section 1005 of the public authorities law, as  
19 added by chapter 217 of the laws of 2009, is REPEALED.

20 § 16. Subdivision 16 of section 1005 of the public authorities law, as  
21 added by chapter 477 of the laws of 2009, is renumbered subdivision 17,  
22 and paragraph (a) of such subdivision is amended to read as follows:

23 (a) As deemed feasible and advisable by the trustees, to finance and  
24 design, develop, construct, implement, provide and administer energy-re-  
25 lated projects, programs and services for any public entity and any  
26 recipient of the economic development power, expansion power, replace-  
27 ment power, preservation power, high load factor power, municipal  
28 distribution agency power, [and the] power for jobs, and recharge New

1 York power programs administered by the authority. In establishing and  
2 providing high performance and sustainable building programs and  
3 services authorized by this subdivision, the authority is authorized to  
4 consult standards, guidelines, rating systems, and/or criteria estab-  
5 lished or adopted by other organizations, including but not limited to  
6 the United States green building council under its leadership in energy  
7 and environmental design (LEED) programs, the green building initi-  
8 ative's green globes rating system, and the American National Standards  
9 Institute. The source of any financing and/or loans provided by the  
10 authority for the purposes of this subdivision may be the proceeds of  
11 notes issued pursuant to section one thousand nine-a of this title, the  
12 proceeds of bonds issued pursuant to section one thousand ten of this  
13 title, or any other available authority funds.

14 § 17. Section 2 of chapter 477 of the laws of 2009, amending the  
15 public authorities law relating to energy efficiency and clean energy  
16 initiatives of the power authority of the state of New York, is amended  
17 to read as follows:

18 § 2. This act shall take effect immediately [and shall expire three  
19 years after it shall have become a law; provided that such expiration  
20 shall not affect the validity of any energy services contract authorized  
21 by this act and entered into prior to its expiration].

22 § 18. The opening paragraph of subdivision 6 of section 1005 of the  
23 public authorities law, as amended by chapter 294 of the laws of 1968,  
24 is amended to read as follows:

25 To develop, maintain, manage and operate its projects other than the  
26 Niagara and Saint Lawrence hydroelectric projects so as (i) to provide  
27 an adequate supply of energy for optimum utilization of its hydroelec-  
28 tric projects, (ii) to attract and expand high load factor industry,

1 (iii) to provide for the additional needs of its municipal electric and  
2 rural electric cooperative customers, (iv) to provide a supply of power  
3 and energy for use in the recharge New York power program as recharge  
4 New York market power, and [(iv)] (v) to assist in maintaining an  
5 adequate, dependable electric power supply for the state.

6 § 19. Severability clause. If any clause, sentence, paragraph, subdi-  
7 vision, section or part of this act shall be adjudged by any court of  
8 competent jurisdiction to be invalid, such judgment shall not affect,  
9 impair, or invalidate the remainder thereof, but shall be confined in  
10 its operation to the clause, sentence, paragraph, subdivision, section  
11 or part thereof directly involved in the controversy in which such judg-  
12 ment shall have been rendered. It is hereby declared to be the intent of  
13 the legislature that this act would have been enacted even if such  
14 invalid provisions had not been included therewith.

15 § 20. This act shall take effect immediately; provided that:

16 a. the amendments to section 183 of the economic development law made  
17 by section nine of this act shall not affect the expiration of such  
18 section and shall be deemed to expire therewith;

19 b. the amendments to section 189 of the economic development law made  
20 by sections ten and eleven of this act shall not affect the repeal of  
21 such section and shall be deemed repealed therewith;

22 c. the amendments to subdivision 9 of section 186-a of the tax law  
23 made by section twelve of this act shall not affect the repeal of such  
24 subdivision and shall be deemed repealed therewith; and

25 d. the amendments to subparagraph 2 of paragraph g of the 9th undesign-  
26 nated paragraph of section 1005 of the public authorities law made by  
27 section thirteen of this act shall not affect the expiration of such  
28 subparagraph and shall be deemed to expire therewith.