

2 Section 1. Paragraph c of the ninth undesignated paragraph of section
3 1005 of the public authorities law, as amended by chapter 226 of the
4 laws of 2002, is amended to read as follows:

5 c. The authority shall enter into contracts for purchase of power
6 during the fourth and fifth phases of the power for jobs program that
7 provide for delivery of power no sooner than January first, two thousand
8 one with respect to phase four, ~~and~~ January first, two thousand two
9 with respect to phase five of the program, and December first, two thou-
10 sand four with respect to extensions of phase four and phase five
11 contracts. If the authority declines to make power available to or for
12 a business or not-for-profit corporation whose allocation has been so
13 recommended, the authority shall decline within the period specified by
14 the board in its recommendation and shall issue in writing a statement
15 of reasons for such denial.

16 §§ 2. Subparagraph 2 of paragraph g of the ninth undesignated para-
17 graph of section 1005 of the public authorities law, as amended by
18 section 1 of part C1 of chapter 62 of the laws of 2003, is amended to
19 read as follows:

20 2. The authority, as deemed feasible and advisable by the trustees, is
21 authorized to make an additional annual voluntary contribution into the
22 state treasury to the credit of the general fund. The authority shall
23 make such contribution no later than ninety days after the end of the
24 calendar year in which a credit under subdivision nine of section one
25 hundred eighty-six-a of the tax law is available: (a) for the addi-
26 tional three hundred megawatts of power under the fourth phase of the
27 program provided under chapter sixty-three of the laws of two thousand
28 and under the fifth phase for the additional one hundred eighty-three
29 megawatts provided under chapter two hundred twenty-six of the laws of
30 two thousand two; and (b) for any extension of any contract for allo-
31 cations under the fourth phase of the program and under the fifth phase
32 of the program, and for any electricity savings reimbursement under
33 section one hundred eighty-nine of the economic development law is
34 available. Such annual contribution shall be equal to fifty percent of
35 the total amount of such credits available each year to all local
36 distributors of electricity. In addition, such authorization for
37 contribution in state fiscal year two thousand two--two thousand three
38 shall be equal to the total amount of credit available in two thousand
39 one and two thousand two; and such authorization for contribution in
40 state fiscal year two thousand three--two thousand four shall be equal
41 to the total amount of credit available in two thousand three; under
42 subdivision nine of section one hundred eighty-six-a of the tax law
43 under the fourth phase of the program for the additional three hundred
44 megawatts provided under chapter sixty-three of the laws of two thousand
45 and under the fifth phase for the additional one hundred eighty-three
46 megawatts provided under chapter two hundred twenty-six of the laws of
47 two thousand two. In state fiscal year two thousand four--two thousand
48 five, such authorized annual contribution shall be equal to one hundred
49 percent of the total amount of such credits available each year to all
50 local distributors of electricity. Such authorization for contribution
51 in state fiscal years two thousand four and two thousand five shall be
52 equal to the total amount of credit available in two thousand four and
53 two thousand five; under subdivision nine of section one hundred eight-
54 y-six-a of the tax law under the fourth phase of the program for the
55 additional three hundred megawatts provided under chapter sixty-three of

1 the laws of two thousand and under the fifth phase for the additional
2 one hundred eighty-three megawatts provided under chapter two hundred
3 twenty-six of the laws of two thousand two. In addition, such authori-
4 zation for contribution for any extension of any contract for allo-
5 cations under the fourth phase of the program and under the fifth phase
6 of the program in each state fiscal year shall be equal to the total
7 amount of credit or reimbursement available in state fiscal year two
8 thousand four--two thousand five and state fiscal year two thousand
9 five--two thousand six. The department of public service shall estimate
10 the payment due by the end of the calendar year in which the credit is
11 available. In no case shall the amount of the total annual contrib-
12 utions for the years during which delivery and sale of phase four and
13 phase five power takes place exceed the aggregate total of [~~one~~] two
14 hundred [~~twenty-five~~] seventy-five million dollars. Such aggregate total
15 shall be in addition to any contribution made pursuant to subparagraph
16 one of this paragraph.

17 §§ 3. Subdivision (a) of section 189 of the economic development law
18 is amended by adding a new paragraph 5 to read as follows:

19 5. "Power for jobs electricity savings reimbursements" shall mean
20 payments made by the power authority of the state of New York or the New
21 York state energy research and development authority if the attorney
22 general determines the power authority of the state of New York cannot
23 legally make such payments as recommended by the board to recipients of
24 allocations of power under phases four and five of the power for jobs
25 program for a period of time until November thirtieth, two thousand
26 four, subsequent to the expiration of their phase four or five power for
27 jobs contract provided however that recipients whose contracts expire
28 after November thirtieth, two thousand four may choose to receive elec-
29 tricity savings reimbursement as a substitute for a contract extension
30 for the period from the date the recipient's contract expires through
31 December thirty-first, two thousand five. The "basic reimbursement" is
32 an amount that when credited against the recipient's actual "unit cost
33 of electricity" during a quarter (meaning the cost for commodity and
34 delivery per kilowatt-hour for the quantity of electricity purchased and
35 delivered under the power for jobs program during a similar period in
36 the final year of the recipient's contract), results in an effective
37 unit cost of electricity during the quarter equal to the average unit
38 cost of electricity such recipient paid during the final year of the
39 contract for power allocated under phase four or five of the power for
40 jobs program.

41 §§ 4. Section 189 of the economic development law is amended by adding
42 a new subdivision (1) to read as follows:

43 (1) The board shall solicit and review applications for the power for
44 jobs electricity savings reimbursements and contract extensions from
45 recipients of power for jobs allocations under phases four and five of
46 the program for the award of such reimbursements and/or contract exten-
47 sions. The board may prescribe a simplified form and content for an
48 application for such reimbursements or extensions. An applicant shall
49 be eligible for such reimbursements and/or extensions only if it is in
50 compliance with and agrees to continue to meet the job retention and
51 creation commitments set forth in its prior power for jobs contract. The
52 board shall review such applications and make recommendations for the
53 award: 1. of such reimbursements through the power authority of the
54 state of New York for a period of time up to November thirtieth, two
55 thousand four, and 2. of such contract extensions or reimbursements as
56 applied for by the recipient for a period of time beginning December

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

7 §§ 5. Subdivision (f) of section 189 of the economic development law,
8 as amended by chapter 226 of the laws of 2002, is amended to read as
9 follows:

10 (f) Eligibility. The board shall recommend applications for allo-
11 cations of power under the power for jobs program to or for the use of
12 businesses which normally utilize a minimum peak electric demand in
13 excess of four hundred kilowatts; provided, however, that up to one
14 hundred megawatts of power available for allocation during the initial
15 three phases of the power for jobs program may be recommended for allo-
16 cations to not-for-profit corporations and to small businesses; and,
17 provided, further that up to seventy-five megawatts of power available
18 for allocation during the fourth phase of the program may be recommended
19 for allocations to not-for-profit corporations and to small businesses.
20 The board may require small businesses that normally utilize a minimum
21 peak electric demand of less than one hundred kilowatts to aggregate
22 their electric demand in amounts of no less than one hundred kilowatts,
23 for the purposes of applying to the board for an allocation of power.
24 The board shall recommend allocations of the additional three hundred
25 megawatts available during the fourth phase of the program to any such
26 eligible applicant, including any recipient of power allocated during
27 the first phase of the program. The board shall recommend allocations of
28 the additional one hundred eighty-three megawatts available during the
29 fifth phase of the program to any eligible applicant, including any
30 recipient of power allocated during the second and third phases of the
31 program; provided, however, that the term of contracts for allocations
32 under the fifth phase of the program shall in no case extend beyond
33 December thirty-first, two thousand five. Notwithstanding any provision
34 of law to the contrary, and, in particular, the provisions of this chap-
35 ter concerning the terms of contracts for allocations under the power
36 for jobs program, the terms of any contract with a recipient of power
37 allocated under phase two of the power for jobs program that has expired
38 or will expire on or before the thirty-first day of August, two thousand
39 two, may be extended by the power authority of the state of New York for
40 an additional period of three months effective on the date of such expi-
41 ration, pending the filing and approval of an application by such recip-
42 ient for an allocation under the fifth phase of the program. The term
43 of any new contract with such recipient under the fifth phase of the
44 program shall be deemed to include any three month contract extension
45 made pursuant to this subdivision and the termination date of any such
46 new ~~[contract]~~ contract under phase five shall be no later than if such
47 new ~~[contract]~~ contract had commenced upon the expiration of the recipi-
48 ent's original phase two contract. The terms of any contract with a
49 recipient of power allocated under phase four and/or phase five of the
50 power for jobs program that has expired or will expire on or before the
51 thirty-first day of December, two thousand five, may be extended by the
52 power authority of the state of New York from a date beginning no earli-
53 er than the first day of December, two thousand four and extending
54 through December thirty-first, two thousand five.

55 §§ 6. This act shall take effect immediately and shall be deemed to
56 have been in full force and effect on and after March 1, 2004; provided,

1 however, that the amendments to paragraphs c and g of the ninth undesig-
2 nated paragraph of section 1005 of the public authorities law made by
3 sections one and two of this act shall not affect the expiration of such
4 undesignated paragraph and shall be deemed to expire therewith; and
5 provided further, that the amendments to section 189 of the economic
6 development law made by sections three, four and five of this act shall
7 not affect the repeal of such section and shall be deemed repealed ther-
8 ewith.