

STATE OF NEW YORK

10856

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. ALVAREZ -- read once and referred to the Committee on Energy

AN ACT enacting the "just energy transition act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short title. This act shall be known and may be cited as
2 the "just energy transition act".

3 § 2. Legislative findings and statement of purpose. The legislature
4 hereby finds, determines and declares:

5 (a) New York state, especially New York city, is reliant on fossil
6 fuels for energy production, making the transition to renewable sources
7 for the downstate electricity system key to achieving the requirements
8 of section 4 of the New York state climate leadership and community
9 protection act, including that seventy percent of the state's electric-
10 ity be from renewable energy sources by the year 2030 and that one
11 hundred percent of the state's electricity be from zero-emission sources
12 by the year 2040.

13 (b) New York state is committed to the responsible replacement and
14 redevelopment of its fossil fueled generation facilities that currently
15 ensure resource adequacy in the state, especially in locations where the
16 health benefits to historically disadvantaged communities can be maxi-
17 mized, and where the cost effective phasing-out of such facilities can
18 be done while helping to ensure a just transition for the existing work-
19 force.

20 (c) A public policy purpose would be served and the interests of the
21 people of the state would be advanced by directing the New York state
22 energy research and development authority, in consultation with the
23 department of public service and the department of environmental conser-
24 vation, to continue the development of the study commenced in 2022, as
25 referenced in the climate action council scoping plan of strategies to
26 facilitate the replacement and redevelopment of New York's oldest and
27 most-polluting fossil fueled generation facilities and their sites by
28 2030, while ensuring resource adequacy, with renewable energy systems as
29 defined in paragraph (b) of subdivision 1 of section 66-p of the public

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

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1 service law, energy storage systems, and electricity transmission and
2 distribution systems and equipment.

3 (d) It is the intent of the legislature in enacting this act to
4 empower the New York state energy research and development authority,
5 department of public service, and department of environmental conserva-
6 tion, to develop a study as described in the climate action council
7 scoping plan and paragraph (c) of section three of this act in the
8 manner authorized and directed herein, and for those entities and the
9 public service commission, and any other agencies or authorities of the
10 state as may be required, to commence any proceedings or other initi-
11 atives necessary to carry out the strategies described therein.

12 § 3. The New York state energy research and development authority is
13 authorized and directed to:

14 (a) develop a study of competitive options to facilitate the phase-
15 out, replacement and redevelopment of New York state's oldest and most-
16 polluting fossil fueled generation facilities and their sites by the
17 year 2030, with renewable generation options that include those
18 described in the scoping plan issued by the climate action council under
19 section 75-0103 of the environmental conservation law, renewable energy
20 systems as defined in paragraph (b) of subdivision 1 of section 66-p of
21 the public service law, energy storage systems, and electricity trans-
22 mission and distribution systems and equipment, while ensuring resource
23 adequacy and other reliability services are maintained, and to do so in
24 consultation with the department of public service, the department of
25 environmental conservation, Long Island power authority, and other rele-
26 vant state agencies and authorities with subject matter expertise, the
27 federally designated electric bulk system operator, the New York State
28 Reliability Council, and the owners of such facilities. The study should
29 prioritize the replacement and redevelopment of such fossil fueled
30 generation facilities with facilities that will directly assist in
31 achieving the energy, environmental justice and emissions reductions
32 requirements of section 66-p of the public service law. The study shall
33 address the phase-out of at least four gigawatts of fossil fueled gener-
34 ation statewide capacity in total and prioritize those facilities that
35 only operate when electricity usage is highest. The study shall include
36 recommendations of standards and requirements that:

37 (i) significantly reduce the state's electricity system reliance on
38 fossil fuels, taking into account the requirements and timing of the
39 state's emission reduction programs;

40 (ii) establish a competitive program to promote private sector invest-
41 ment in eligible technologies that the public service commission has
42 determined, after notice and provision for the opportunity to comment,
43 ensure resource adequacy, while achieving the requirements of section
44 66-p of the public service law;

45 (iii) provide significant environmental, health and other benefits to
46 disadvantaged communities as such communities will be defined under
47 section 75-0111 of the environmental conservation law; and

48 (iv) have significant potential for job creation and retention,
49 economic development, and just transition opportunities benefiting New
50 Yorkers and the state's workforce, as described in the scoping plan
51 issued by the climate action council under section 75-0103 of the envi-
52 ronmental conservation law; and

53 (v) ensure the availability of assistance under the electric gener-
54 ation facility cessation mitigation fund established in section 1 of
55 part BB of chapter 58 of the laws of 2016 to any local government entity

1 impacted by the replacement and redevelopment of fossil fueled gener-
2 ation facilities under this section;

3 (b) provide public notice of the study, and ensure the results of
4 the study are made easily accessible to members of disadvantaged commu-
5 nities, as defined in section 75-0101 of the environmental conservation
6 law, and provide an opportunity for public comment on the study of not
7 less than 60 days and conduct at least two public hearings on the
8 study, of which at least one shall be held in disadvantaged communities,
9 as defined in section 75-0101 of the environmental conservation law with
10 such public hearings offering video participation and accessibility;

11 (c) address public comments and update the study, as appropriate,
12 especially to ensure resource adequacy and reliability services are
13 maintained; and

14 (d) deliver the study to the governor, temporary president of the
15 senate and speaker of the assembly within 180 days of the effective date
16 of this section.

17 § 4. The department of public service, the department of environmental
18 conservation, and Long Island power authority shall commence proceedings
19 and stakeholder processes to establish programs and other initiatives
20 necessary to carry out the strategies, programs, standards, and require-
21 ments described in the study referred to in section three of this act
22 within 60 days of delivery of the study to the governor, temporary pres-
23 ident of the senate and speaker of the assembly.

24 § 5. The public service commission shall:

25 (a) commence a proceeding to implement the strategies, programs, stan-
26 dards, and requirements described in the study referred to in section
27 three of this act within 90 days of delivery of the study to the gover-
28 nor, temporary president of the senate and speaker of the assembly; and

29 (b) issue an order regarding implementation of the strategies,
30 programs, standards, and requirements described in the study referred to
31 in section three of this act no later than July 30, 2027. Such order
32 shall at a minimum:

33 (i) direct the New York state energy research and development authori-
34 ty to implement a competitive award process to facilitate the replace-
35 ment and redevelopment of at least four gigawatts of fossil fueled
36 generation facilities statewide while maintaining reliability consistent
37 with the recommendations of the study pursuant to section three of this
38 act, and that as part of such competitive award process, consideration
39 shall be given to security of offtake with respect to generation and
40 transmission; and

41 (ii) direct that with respect to the competitive award process
42 required, the only eligible electricity generation from hydroelectric
43 facilities shall be electricity that is generated from non-state-owned
44 low impact run-of-river facilities located in the state that provide a
45 year-round electricity capacity resource.

46 (c)(i) Any projects pursuant to this section, or the study provided
47 herein, shall be deemed public work and shall be subject to and
48 performed in accordance with articles 8 and 9 of the labor law. Each
49 contract for such project shall contain a provision that such project
50 shall only be undertaken pursuant to a project labor agreement. For
51 purposes of this section, "project labor agreement" shall mean a pre-
52 hire collective bargaining agreement between the New York state energy
53 research and development authority, a third party on behalf of the
54 authority, or a recipient of support under this section, and a bona fide
55 building and construction trade labor organization establishing the
56 labor organization as the collective bargaining representative for all

1 persons who will perform work on a public work project, and which
2 provides that only contractors and subcontractors who sign a pre-negoti-
3 ated agreement with the labor organization can perform project work. All
4 contractors and subcontractors associated with this work shall be
5 required to utilize apprenticeship agreements as defined by article 23
6 of the labor law.

7 (ii) The New York state energy research and development authority, or
8 public service commission, where appropriate, shall include requirements
9 in any procurement or development of a renewable energy generating
10 project, as defined in this subdivision, that the components and parts
11 shall be produced or made in whole or substantial part in the United
12 States, its territories or possessions. The New York state energy
13 research and development authority's president and chief executive offi-
14 cer, or their designee may waive the procurement and development
15 requirements set forth in this paragraph if such official determines
16 that: the requirements would not be in the public interest; the require-
17 ments would result in unreasonable costs; obtaining such infrastructure
18 components and parts in the United States would increase the cost of a
19 renewable energy generating project by an unreasonable amount; or such
20 components or parts cannot be produced, made, or assembled in the United
21 States in sufficient and reasonably available quantities or of satisfac-
22 tory quality. Such determination shall be made on an annual basis no
23 later than December thirty-first, after providing notice and an opportu-
24 nity for public comment, and such determination shall be made publicly
25 available, in writing, on the New York state energy research and devel-
26 opment authority's website with a detailed explanation of the findings
27 leading to such determination. If the New York state energy research and
28 development authority's president and chief executive officer, or their
29 designee, has issued determinations for three consecutive years finding
30 that no such waiver is warranted pursuant to this paragraph, then the
31 New York state energy research and development authority shall no longer
32 be required to provide the annual determination required by this para-
33 graph.

34 (d)(i) The commissioner of labor, in consultation with labor organiza-
35 tions, shall develop a comprehensive plan to transition, train, or
36 retrain employees that are impacted by projects undertaken pursuant to
37 this act, or the study provided in section three of this act. This plan
38 shall include a method of allowing displaced and transitioning workers,
39 including affected labor organizations, to notify the commissioner of
40 the loss of employment, their previous title, and previous wage rates
41 including whether they previously received medical and/or retirement
42 benefits. The plan shall require employers to notify the commissioner of
43 workers laid off or discharged due to this act.

44 (ii) The commissioner of labor shall create a program pursuant to
45 which, where applicable and feasible, newly created job opportunities
46 shall be offered to a pool of transitioning workers who have lost their
47 employment or will be losing their employment in the energy sector
48 through projects undertaken pursuant to this act, or the study provided
49 in section three of this act. Such program shall include a method for
50 the commissioner of labor to communicate names and contact information
51 for displaced or transitioning workers to public entities that may have
52 job opportunities for such workers every 90 days.

53 (e) Notwithstanding any provision of law to the contrary, all rights
54 or benefits, including terms and conditions of employment, and
55 protection of civil service and collective bargaining status of all
56 existing public employees and the work jurisdiction, covered job titles,

1 and work assignments, set forth in the civil service law and collective
2 bargaining agreements with labor organizations representing public
3 employees shall be preserved and protected. Nothing in this section
4 shall result in the: (i) displacement of any currently employed worker
5 or loss of position (including partial displacement as such a reduction
6 in the hours of non-overtime work, wages, or employment benefits) or
7 result in the impairment of existing collective bargaining agreements;
8 (ii) transfer of existing duties and functions related to maintenance
9 and operations currently performed by existing employees of authorized
10 entities to a contracting entity; or (iii) transfer of future duties and
11 functions ordinarily performed by employees of authorized entities to a
12 contracting entity.

13 § 6. The Long Island power authority shall establish a program or
14 programs in its service territory consistent with the recommendation of
15 the study conducted pursuant to section three of this act, the
16 provisions of section five of this act, and the objectives of this act.

17 § 7. This act shall take effect immediately.