

STATE OF NEW YORK

3466--A

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. ROMERO, STECK, KELLES, ROSENTHAL, COLTON, ZINERMAN, GONZALEZ-ROJAS, LEVENBERG, DE LOS SANTOS, STERN, LUNSFORD, SIMONE, LUCAS, HEVESI, TAPIA, EPSTEIN, GALLAGHER, DINOWITZ, BICHOTTE HERMELYN, SHRESTHA, BURDICK, WEPRIN, CHANDLER-WATERMAN, SHIMSKY, SIMON, McDONALD, REYES -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the public authorities law and the public buildings law, in relation to the utilization of renewable energy at state-owned facilities in Albany

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 "Renewable Capitol Act".

3 § 2. The executive law is amended by adding a new section 204 to read
4 as follows:

5 § 204. Renewable capitol project. 1. For the purpose of this section,
6 the following terms shall have the following meanings:

7 (a) The "advisory committee" shall mean the committee established
8 pursuant to paragraph (a) of subdivision three of this section.

9 (b) The "CLCPA" shall mean the New York state climate leadership and
10 community protection act enacted as chapter one hundred six of the laws
11 of two thousand nineteen, as it shall from time to time be amended.

12 (c) "Co-pollutants" shall have the same meaning as set forth in subdi-
13 vision three of section 75-0101 of the environmental conservation law.

14 (d) "Emergency generator" shall mean the set of diesel generators
15 located on Sheridan Avenue in Albany, New York as of the effective date
16 of this section, that are intended to power the empire state plaza
17 complex during an emergency fault condition causing an interruption to
18 normal electricity service from the grid.

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

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1 (e) "Empire state plaza complex" or the "complex" shall mean the
2 complex of state-owned buildings and the land thereon in Albany, New
3 York that utilize the steam distribution network of the Sheridan Avenue
4 steam plant.

5 (f) "Greenhouse gas" shall have the same meaning as set forth in
6 subdivision seven of section 75-0101 of the environmental conservation
7 law.

8 (g) The "local community" shall mean the portion of Albany, New York
9 designated as the local community under the plan, which shall include,
10 at a minimum, the Albany Sheridan Hollow, Arbor Hill, Center Square,
11 Mansion, Washington Park, West Hill and South End neighborhoods.

12 (h) "NYSERDA" shall mean the New York state energy research and devel-
13 opment authority created under section eighteen hundred fifty-two of the
14 public authorities law.

15 (i) The "office of general services" or the "office" shall mean the
16 agency created under section two hundred of this article.

17 (j) The "empire state plaza decarbonization plan" or "plan" shall mean
18 the plan set forth in subdivision three of this section, and mandated by
19 this section and section ninety-one of the public buildings law.

20 (k) The "project" shall mean the work on the empire state plaza
21 complex mandated by this section and section ninety-one of the public
22 buildings law.

23 (l) A "power purchase agreement" shall mean an agreement between two
24 parties for the purchase of electricity.

25 (m) "Renewable energy systems" means systems that entirely generate
26 electricity or thermal energy through use of the following technologies:
27 solar thermal, photovoltaics, on land and offshore wind, hydroelectric,
28 geothermal electric, geothermal ground source heat, tidal energy, wave
29 energy, ocean thermal, and fuel cells which do not utilize a fossil fuel
30 resource in the process of generating electricity or thermal energy.

31 (n) "Sheridan Avenue steam plant" or "steam plant" shall mean the
32 steam plant facility owned by New York state located as of the time of
33 the effective date of this section at 79 Sheridan Avenue in Albany, New
34 York.

35 2. (a) (i) Within three years after the effective date of this
36 section, the office of general services, in consultation with the power
37 authority of the state of New York, shall ensure that all operations
38 that power, heat or cool the empire state plaza complex shall entirely
39 use renewable energy systems, and that the Sheridan Avenue steam plant
40 shall be retired or converted to another purpose that does not require
41 the use of fossil fuels. In satisfying such requirements, the office
42 may demonstrate that the amount of electrical energy credited to the
43 complex annually from renewable sources through a power purchase agree-
44 ment or similar instrument is not less than the amount of electrical
45 energy consumed annually by the complex.

46 (ii) Notwithstanding mandates under subparagraph (i) of this para-
47 graph, the emergency generator shall be permitted to utilize non-renewa-
48 ble energy, but the office shall be empowered to retire or convert the
49 emergency generator to wholly or entirely utilize renewables if possi-
50 ble.

51 (b) The project and the empire state plaza complex shall comply with
52 the CLCPA, and any rules and regulations issued thereunder, and, in
53 particular, section seven of such law; the statewide greenhouse gas
54 emissions limits set forth in section 75-0107 of the environmental
55 conservation law; and the targets established in subdivision two of
56 section sixty-six-p of the public service law. Nothing in this paragraph

1 shall preclude the office from mandating lower greenhouse gas emissions
2 limits or compliance with greenhouse gas emissions limits in a shorter
3 timeframe than set forth in section 75-0107 of the environmental conser-
4 vation law, or in mandating a higher percentage of renewables or in a
5 shorter timeframe than in subdivision two of section sixty-six-p of the
6 public service law. Except in regard to the provision regarding to the
7 emergency generator as set forth in paragraph (a) of this subdivision,
8 any action taken in furtherance of the project that leads to any
9 increase in the emissions of greenhouse gases shall be deemed inconsis-
10 ent with and in interference with the attainment of the statewide green-
11 house gas emissions limits established in article seventy-five of the
12 environmental conservation law and therefore shall trigger the process
13 set forth in subdivision two of section seven of the CLCPA.

14 3. (a) Within sixty days of the effective date of this section, the
15 office shall establish an advisory committee to advise it on the prepa-
16 ration, design and content of the plan. Such plan shall be completed no
17 later than January thirty-first, two thousand twenty-six. The advisory
18 committee shall consist of the commissioner of the department of envi-
19 ronmental conservation and the chief executive officer of NYSERDA, or
20 their designees, and additional members which shall be appointed by such
21 commissioner in consultation with such chief executive officer, as
22 follows: three representatives of Albany community organizations, at
23 least two of which are from organizations whose mission, in whole or in
24 part, is to represent the interests of the Arbor Hill and/or Sheridan
25 Hollow neighborhoods in Albany; two additional representatives of local
26 environmental justice organizations; one individual not employed by New
27 York state with recognized expertise in renewable energy; a represen-
28 tative of labor organizations; a scientist with expertise in energy and
29 climate policy; an engineer with expertise in energy (including geother-
30 mal) and climate policy; and the mayor of Albany or their designee. The
31 advisory committee shall meet quarterly, or additional times as the
32 committee shall by majority vote determine. At such meetings, which
33 shall be open to the public, the office and the power authority of the
34 state of New York shall orally and in writing report on the progress
35 made in completing the project and otherwise implementing this section,
36 including but not limited to: the progress of any studies performed in
37 whole or in part to implement this section, and the progress made in
38 reducing greenhouse gas emissions at the empire state plaza complex in
39 compliance with section 75-0109 of the environmental conservation law.
40 The advisory committee shall be entitled to the work product or other
41 data which informed any recommendations in the plan, subject to any
42 reasonable confidentiality requirements established by the office. The
43 advisory committee members shall receive no compensation for their
44 services but shall be reimbursed for their actual and necessary expenses
45 incurred in the performance of their duties. All agencies of the state
46 or subdivisions thereof may, at the request of the advisory panel or the
47 office, provide the advisory panel with such facilities, assistance and
48 data as will enable the advisory panel to carry out its powers and
49 duties. The failure of the office to establish the advisory committee
50 or to do so in a timely fashion, or of the advisory committee to engage
51 in any conduct mandated by this subdivision shall not be a basis for
52 extending the deadline set forth in subparagraph (i) of paragraph (a) of
53 subdivision two of this section.

54 (b) Each member of the advisory committee shall be entitled to one
55 vote. No action may be taken by the advisory committee unless there is

1 a quorum, which shall at all times be a majority of the members of the
2 committee.

3 (c) The office shall be transparent in its work to develop the plan
4 and shall maintain a website where a draft plan and other documents
5 relevant to its development shall be posted for public review at least
6 fourteen days prior to the first of the public hearings mandated by this
7 paragraph. The advisory committee shall hold at least two public hear-
8 ings at least sixty days prior to the release of the final plan, of
9 which one shall be held in the Arbor Hill or Sheridan Hollow neighbor-
10 hoods and one shall be held during the evening or weekend hours. The
11 advisory committee shall make provisions for online and telephonic
12 attendance and participation. At such public hearings, the draft plan
13 shall be made available in written form for those physically attending.
14 Provisions shall also be made for written comments on the draft plan.

15 (d) The plan shall contain recommendations on regulatory measures and
16 other state actions to ensure that the mandates in subdivisions two and
17 three of this section and section ninety-one of the public buildings law
18 are met. The measures and actions set forth in the plan shall include:

19 (i) a timeline for planned steps toward the completion of the project,
20 including, but not limited to construction of the project and obtaining
21 the necessary permits to begin operation. The timeline should maximize
22 the potential for achieving, and if feasible making greater emissions
23 reductions than the statewide greenhouse gas emissions limits set forth
24 in section 75-0107 of the environmental conservation law and meeting the
25 other mandates of the CLCPA;

26 (ii) measures to maximize the benefits to the local community, includ-
27 ing prioritizing the reduction of greenhouse gases and co-pollutants and
28 improving public health in the local community;

29 (iii) measures to optimize thermal load sharing, energy efficiency,
30 demand response, and energy conservation;

31 (iv) comprehensive consideration of renewable heat exchange systems or
32 a combination of such systems to meet the heating and cooling needs of
33 the empire state plaza complex, including but not limited to: geothermal
34 heat exchange with the earth, geothermal heat exchange with the Hudson
35 River, open-loop and closed-loop geothermal heat exchange with the aqui-
36 fer, heat exchange with potable water supplies, heat recovery from
37 wastewater sources, air-source heat pump technology, and thermal stor-
38 age, provided that such systems do not use combustion-based or fossil
39 fuel energy;

40 (v) prioritization of electricity procurement from renewable sources
41 within New York Independent System Operator (NYISO) Zone F, especially
42 sources most capable of providing electricity serving real-time load
43 conditions of the empire state plaza complex. This shall include, but
44 not be limited to, consideration of projects that expand electricity
45 generation from ecologically-responsible, run-of-the-river hydroelectric
46 facilities within the region;

47 (vi) electricity service upgrades for the empire state plaza complex
48 necessary to support measures identified in this section; and

49 (vii) to the extent feasible, measures to ensure that the work
50 performed on the state capitol building and other buildings or struc-
51 tures that are part of the complex proceed contemporaneously or during
52 overlapping timeframes with the work done on other buildings, or struc-
53 tures that are part of the complex, in such a manner as to maximize the
54 likelihood of compliance with the mandate set forth in subparagraph (ii)
55 of paragraph (a) of subdivision two of this section.

1 (e) In designing the plan, the office shall be guided by any comments
2 or recommendations made by the advisory committee.

3 (f) The plan shall designate the geographic boundaries of the local
4 community. In designating such boundaries, which shall include the Alba-
5 ny Sheridan Hollow, Arbor Hill, Center Square, Mansion, Washington Park,
6 West Hill, and South End neighborhoods, the office shall consider
7 including in its designation any other communities that experience
8 impacts on their water, air quality, noise and traffic from the empire
9 state plaza complex.

10 (g)(i) Any project that may be funded as a result of the renewable
11 capitol project completed pursuant to this section shall: (A) be deemed
12 a public work project subject to article eight of the labor law; (B)
13 require that the component parts of any renewable capitol project are
14 produced or made in whole or substantial part in the United States, its
15 territories or possessions, subject to a waiver provision similar to the
16 one contained in subdivision two of section sixty-six-s of the public
17 service law; (C) contain a requirement that any public owner or third
18 party acting on behalf of a public owner enter into a project labor
19 agreement as defined by section two hundred twenty-two of the labor law
20 for all construction work; and (D) require the payment of prevailing
21 wage standards consistent with article nine of the labor law for build-
22 ing services work.

23 (ii) Notwithstanding any provision of law to the contrary, all rights
24 or benefits, including terms and conditions of employment, and
25 protection of civil service and collective bargaining status of all
26 existing public employees and the work jurisdiction, covered job
27 titles, and work assignments, set forth in the civil service law and
28 collective bargaining agreements with labor organizations represent-
29 ing public employees shall be preserved and protected. Any such project
30 shall not result in the: (A) displacement of any currently employed
31 worker or loss of position (including partial displacement as such a
32 reduction in the hours of non-overtime work, wages, or employment bene-
33 fits) or result in the impairment of existing collective bargaining
34 agreements; (B) transfer of existing duties and functions related to
35 maintenance and operations currently performed by existing employees of
36 authorized entities to a contracting entity; or (C) transfer of future
37 duties and functions ordinarily performed by employees of authorized
38 entities to a contracting entity.

39 (h) In the case of any conflict as to the requirements of this section
40 and section ninety-one of the public buildings law in regard to the
41 project, this section shall prevail.

42 § 3. The tenth undesignated paragraph of section 1005 of the public
43 authorities law, as added by chapter 55 of the laws of 1992, is amended
44 to read as follows:

45 The authority is further authorized, as deemed feasible and advisable
46 by the trustees, to acquire, maintain, manage, operate, improve and
47 reconstruct as a project or projects of the authority one or both of the
48 steam generation facilities owned by the state known as the Sheridan
49 [~~avenue~~ Avenue steam [~~generating~~] plant [~~on Sheridan avenue in the city~~
50 ~~of Albany and used to supply steam to state facilities~~], together with
51 any properties, buildings and equipment at the sites thereof or ancil-
52 lary thereto, for the generation and sale of thermal energy and the
53 cogeneration and sale of electricity for use by facilities of the state
54 within the county of Albany. All the authority's costs, including its
55 acquisition, capital, operating and maintenance costs, shall be recov-
56 ered fully from the customers receiving service from such project or

1 projects. Thermal energy and electricity not required by the state may
2 be sold by the authority to others. The authority is not authorized to
3 use refuse or refuse-derived fuel in operating the project or projects.
4 As of the time period specified in paragraph (a) of subdivision two of
5 section two hundred four of the executive law, all of the energy,
6 including but not limited to heat, cooling and electricity, produced at
7 the Sheridan Avenue steam plant shall utilize renewable energy systems.

8 Any agreement for such acquisition shall [~~insure~~] ensure that the
9 authority is not liable or otherwise responsible for circumstances arising
10 from the prior operation of such facilities. The acquisition and
11 purchase of such land, buildings and equipment by the authority, and any
12 actions taken to effect such acquisition and purchase, are hereby exempt
13 from the provisions of article eight of the environmental conservation
14 law. The application of such exemption shall be strictly limited to the
15 acquisition and purchase of such land, buildings and equipment by the
16 authority and such agreements with the state. Nothing herein shall
17 exempt the authority from otherwise applicable laws respecting the
18 expansion, conversion, operation and maintenance of such land, buildings
19 and equipment. For the purposes of this subdivision, the terms "renewa-
20 ble energy systems" and "Sheridan Avenue steam plant" shall have the
21 same meanings as in subdivision one of section two hundred four of the
22 executive law.

23 § 4. Subdivisions 2 and 3 of section 90 of the public buildings law,
24 as added by section 5 of part RR of chapter 56 of the laws of 2023, are
25 amended to read as follows:

26 2. "Decarbonization" and "decarbonize" means eliminating all on-site
27 combustion of fossil-fuels and associated co-pollutants with the excep-
28 tion of back-up emergency generators and redundant systems needed to
29 address public health, safety and security, providing heating and cool-
30 ing through thermal energy, and thermal energy networks, from non-com-
31 bustion sources, and to the greatest extent feasible producing on-site
32 electricity that is one hundred percent renewable. Notwithstanding the
33 provisions of this subdivision, for purposes of the empire state plaza
34 complex, such terms shall mean meeting the requirements of subdivisions
35 two and three of section two hundred four of the executive law, and
36 section ninety-one of this article, as such requirements are applicable
37 to the empire state plaza complex.

38 3. "Highest-emitting facilities" means state-owned facilities that are
39 among the highest producers of greenhouse gas emissions and collectively
40 account for at least thirty percent of the greenhouse gas emissions as
41 recorded by the authority's Build Smart NY program established pursuant
42 to Executive Order 88 of 2012. Notwithstanding the provisions of this
43 subdivision, one of such facilities shall be the empire state plaza
44 complex. For purposes of this article, the "empire state plaza complex"
45 shall have the same meaning as defined in paragraph (e) of subdivision
46 one of section two hundred four of the executive law.

47 § 5. The opening paragraph and paragraph (g) of subdivision 1 and
48 subdivision 2 of section 91 of the public buildings law, as added by
49 section 5 of part RR of chapter 56 of the laws of 2023, are amended and
50 a new paragraph (l) is added to subdivision 1 to read as follows:

51 The authority is hereby authorized and directed to establish decarbon-
52 ization action plans for fifteen of the highest-emitting facilities that
53 will serve as a basis for decarbonizing the facilities to the maximum
54 extent practicable, and subject to any needed redundant systems and
55 back-up systems needed for public safety and security. [~~Decarboniza-~~
56 ~~tion~~] Except as provided in paragraph (g) of subdivision three of

1 section two hundred four of the executive law, decarbonization action
2 plans shall address the following matters at a minimum:

3 (g) [~~Identification~~] Except for the empire state plaza decarbonization
4 plan, identification of any parts of the facilities that cannot be
5 decarbonized, with explanations.

6 (1) In the case of the empire state plaza complex decarbonization
7 action plan, any items designated by the advisory committee under para-
8 graph (e) of subdivision three of section two hundred four of the execu-
9 tive law.

10 2. [~~The~~] Except for the decarbonization plan for the empire state
11 plaza complex, the authority shall complete the decarbonization action
12 plans no later than January thirty-first, two thousand twenty-six,
13 provided that such date shall be extended for justifiable delay outside
14 the control of the authority, including, but not limited to, previously
15 planned or current major renovations or replacements to the facilities,
16 delayed permitting or approval by building owners, local authorities, or
17 other essential parties, external resource bottlenecks, pending or unre-
18 solved investigations into utility grid capacity or similar circum-
19 stances where crucial information is not yet available or determined.
20 Such extension shall be limited to the time necessary to address the
21 factors causing such delay. The empire state decarbonization plan shall
22 be completed by January thirty-first, two thousand twenty-six, and no
23 exclusions for justifiable delays shall be permitted.

24 § 6. Subdivisions 5, 6 and 7 of section 91 of the public buildings law
25 are renumbered subdivisions 6, 7 and 8, and a new subdivision 5 is added
26 to read as follows:

27 5. The authority shall be authorized to use the funding provided in
28 subdivision four of this section to prepare the decarbonization action
29 plan for the empire state plaza complex, to update or modify any study
30 or plan undertaken, with the goal, in whole or in part of reducing
31 greenhouse gas emissions applicable to such complex, provided that such
32 plan or study in the view of the authority would provide information
33 useful for achieving the purposes of such section.

34 § 7. This act shall take effect immediately.