STATE OF NEW YORK

1927

2025-2026 Regular Sessions

IN SENATE

January 14, 2025

Introduced by Sens. O'MARA, BORRELLO, GALLIVAN, GRIFFO, MURRAY, PALUMBO, STEC, WALCZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to establish the commission on reopening the Indian Point energy center; to amend the energy law, the general municipal law, the public authorities law, and the public service law, in relation to definitions of certain terms relating to renewable energy; to repeal paragraph (a) of subdivision 4 of section 162 of the public service law, relating to electric generating facilities; and directing the New York state energy research and development authority to conduct a feasibility study on nuclear small modular reactors

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

Section 1. Commission on reopening the Indian Point energy center. 1. There is hereby established the commission on reopening the Indian Point energy center to evaluate the cost, feasibility, and impact on grid capacity of reopening the Indian Point energy center.

2. The commission shall consist of thirteen members as follows:

a. the chair of the public service commission, or such chair's designee;

b. one member, with subject matter expertise in nuclear power, to be appointed by the governor;

c. one member to be appointed by the speaker of the assembly;

d. one member to be appointed by the minority leader of the assembly;

e. one member to be appointed by the temporary president of the senate;

f. one member to be appointed by the minority leader of the senate;

g. the chair of the senate energy and telecommunications committee;

h. the ranking minority member of the senate energy and telecommunications committee;

i. the chair of the assembly energy committee;

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

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j. the ranking minority member of the assembly energy committee;

k. one member to be appointed by the chief executive officer of the New York independent system operator;

l. one member to be appointed by the largest trade association representing electrical workers; and

m. one member to be appointed by the largest nuclear power plant operator in New York.

3. The chief executive officer of the New York independent system operator, or such chief executive officer's designee, shall be designated as the chairperson of the commission. The members of the commission shall serve without compensation, except that members shall be allowed their necessary and actual expenses incurred in the performance of their duties under this act.

4. The commission shall be authorized to hold public hearings, and to consult with any organization, educational institution, or other government entity or person, to enable it to accomplish its duties. Such commission shall hold at least one public hearing in the state for the purpose of soliciting public comment on reopening the Indian Point energy center.

5. To effectuate the purposes of this act, the commission may request and shall receive from any department, division, board, bureau, commission, or other agency of the state or any state public authority such assistance, information, and data as will enable the commission to properly carry out its powers and duties hereunder.

6. The commission shall issue a report within one year of its findings and legislative recommendations to the governor, the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, and the minority leader of the senate.

§ 2. Subdivision 12 of section 1-103 of the energy law, as renumbered by chapter 820 of the laws of 1976, is amended to read as follows:

12. "Renewable energy resources" shall include sources which are capable of being continuously restored by natural or other means or are so large as to be useable for centuries without significant depletion and include but are not limited to solar, wind, plant and forest products, wastes, tidal, hydro, geothermal, deuterium, **nuclear power technologies, including but not limited to small modular reactors, renewable natural gas, bio-fuels** and hydrogen.

§ 3. Subdivision 7 of section 119-ff of the general municipal law, as amended by chapter 184 of the laws of 2020, is amended to read as follows:

7. "Renewable energy system" means an energy generating system for the generation of electric or thermal energy, to be used primarily at such property, except when the owner of real property is a commercial entity, by means of**, including but not limited to** solar thermal, solar photovoltaic, wind, geothermal, anaerobic digester gas-to-electricity systems, fuel cell technologies, **nuclear power technologies, including but not limited to small modular reactors, renewable natural gas, bio-fuels,** or other renewable energy technology approved by the authority not including the combustion or pyrolysis of solid waste.

§ 4. Subdivision 10 of section 1851 of the public authorities law, as added by chapter 864 of the laws of 1975, is amended to read as follows:

10. "New energy technologies" shall mean all methods used to produce, distribute, conserve and store energy by methods not in common commercial use, with emphasis on renewable energy sources including but not limited to solar, wind, bioconversion**, nuclear power technologies,**

including but not limited to small modular reactors, hydroelectric, renewable natural gas, bio-fuels, and solid waste.

§ 5. Paragraph (b) of subdivision 1 of section 66-p of the public service law, as amended by section 3 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(b) "renewable energy systems" means systems that generate electricity or thermal energy through use of the following technologies**, including but not limited to**: solar thermal, photovoltaics, on land and offshore wind, hydroelectric, geothermal electric, geothermal ground source heat, tidal energy, wave energy, ocean thermal, **nuclear power, including but not limited to small modular reactors, renewable natural gas, bio-fuels,** and fuel cells which do not utilize a fossil fuel resource in the process of generating electricity.

§ 6. Paragraph (a) of subdivision 4 of section 162 of the public service law is REPEALED.

§ 7. Feasibility study on nuclear small modular reactors. 1. The New York state energy research and development authority, in conjunction with the department of environmental conservation, shall conduct a feasibility study and prepare a report on the benefits and implementation of nuclear small modular reactors (SMRs). Such study shall analyze the potential impacts and costs of SMRs.

2. Within one year of the effective date of this act, the New York state energy research and development authority shall issue a report of the findings of the feasibility study to the governor, the speaker of the assembly, the minority leader of the assembly, the temporary president of the senate, and the minority leader of the senate.

§ 8. This act shall take effect immediately.