

# STATE OF NEW YORK

4842--A

2025-2026 Regular Sessions

## IN SENATE

February 13, 2025

Introduced by Sens. FAHY, BRISPORT, CLEARE, GONZALEZ, HARCKHAM, JACKSON, KAVANAGH, KRUEGER, MAY, MAYER, SALAZAR, SANDERS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Procurement and Contracts -- 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.

19 (e) "Empire state plaza complex" or the "complex" shall mean the  
20 complex of state-owned buildings and the land thereon in Albany, New

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

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1 York that utilize the steam distribution network of the Sheridan Avenue  
2 steam plant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (b) Each member of the advisory committee shall be entitled to one  
53 vote. No action may be taken by the advisory committee unless there is  
54 a quorum, which shall at all times be a majority of the members of the  
55 committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 The authority is further authorized, as deemed feasible and advisable  
44 by the trustees, to acquire, maintain, manage, operate, improve and  
45 reconstruct as a project or projects of the authority one or both of the  
46 steam generation facilities owned by the state known as the Sheridan  
47 [~~avenue~~ Avenue steam [~~generating~~] plant [~~on Sheridan avenue in the city~~  
48 ~~of Albany and used to supply steam to state facilities~~], together with  
49 any properties, buildings and equipment at the sites thereof or ancil-  
50 lary thereto, for the generation and sale of thermal energy and the  
51 cogeneration and sale of electricity for use by facilities of the state  
52 within the county of Albany. All the authority's costs, including its  
53 acquisition, capital, operating and maintenance costs, shall be recov-  
54 ered fully from the customers receiving service from such project or  
55 projects. Thermal energy and electricity not required by the state may  
56 be sold by the authority to others. The authority is not authorized to

1 use refuse or refuse-derived fuel in operating the project or projects.  
2 As of the time period specified in paragraph (a) of subdivision two of  
3 section two hundred four of the executive law, all of the energy,  
4 including but not limited to heat, cooling and electricity, produced at  
5 the Sheridan Avenue steam plant shall utilize renewable energy systems.

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

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

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

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

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

49 The authority is hereby authorized and directed to establish decarbon-  
50 ization action plans for fifteen of the highest-emitting facilities that  
51 will serve as a basis for decarbonizing the facilities to the maximum  
52 extent practicable, and subject to any needed redundant systems and  
53 back-up systems needed for public safety and security. [~~Decarboniza-~~  
54 ~~tion~~] Except as provided in paragraph (g) of subdivision three of  
55 section two hundred four of the executive law, decarbonization action  
56 plans shall address the following matters at a minimum:

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

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

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

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

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

32 § 7. This act shall take effect immediately.