STATE OF NEW YORK

9895

IN SENATE

April 13, 2026

Introduced by Sen. GRIFFO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the environmental conservation law, the eminent domain procedure law, the executive law, the public authorities law, the energy law and the public service law, in relation to the repeal of the office of renewable energy siting and electric transmission; and to repeal certain provisions of the public service law, the environmental conservation law, and the public authorities law, relating thereto

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

Section 1. Article 8 of the public service law is REPEALED.

§ 2. Section 3-c of the public service law is REPEALED.

§ 3. Paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law, as amended by section 16 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven and ten of the public service law [~~or requiring a major renewable energy facility or a major electric transmission facility siting permit under article eight of the public service law~~]; or

§ 4. Paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law, as amended by section 1 of part BBB of chapter 55 of the laws of 2021, is amended to read as follows:

(b) Actions subject to the provisions requiring a certificate of environmental compatibility and public need in articles seven[~~,~~] **and** ten [~~and the former article eight~~] of the public service law [~~or requiring a siting permit under section ninety-four-c of the executive law~~]; or

§ 5. Subdivision (B) of section 206 of the eminent domain procedure law, as amended by section 13 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(B) pursuant to article VII of the public service law it obtained a certificate of environmental compatibility and public need [~~or pursuant~~

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

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~~to article VIII of the public service law it obtained a siting permit with respect to a major electric transmission facility~~] or;

§ 6. Subdivision (B) of section 206 of the eminent domain procedure law is amended to read as follows:

(B) pursuant to article VII [~~or article VIII~~] of the public service law it obtained a certificate of environmental compatibility and public need or;

§ 7. Subparagraph (g) of paragraph 3 of subdivision (B) of section 402 of the eminent domain procedure law, as amended by section 14 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(g) if the property is to be used for the construction of a major utility transmission facility, as defined in section one hundred twenty of the public service law with respect to which a certificate of environmental compatibility and public need has been issued under such law, a statement that such certificate relating to such property has been issued and is in force[~~, or if the property is to be used for the construction of a major electric transmission facility, as defined under article VIII of the public service law, with respect to which a major electric transmission facility siting permit has been issued under such law, a statement that such permit relating to such property has been issued and is in force~~].

§ 8. Subdivision 9 of section 17-0701 of the environmental conservation law is REPEALED.

§ 9. Section 17-0823 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

§ 17-0823. Power plant siting.

In the case of a [~~major steam electric generating facility, as defined in section one hundred forty of the public service law, for the construction or operation of which a certificate is required under the former article eight of the public service law, or a~~] major electric generating facility as defined in section one hundred sixty of the public service law, for the construction or operation of which a certificate is required under article ten of the public service law, such certificate shall be deemed a permit under this section if issued by the state board on electric generation siting and the environment pursuant to federally delegated or approved environmental permit authority. Nothing herein shall limit the authority of the department of health and the department to monitor the environmental and health impacts resulting from the operation of such [~~major steam electric generating facility or~~] major electric generating facility and to enforce applicable provisions of the public health law and this article and the terms and conditions of the certificate governing the environmental and health impacts resulting from such operation. In such case all powers, duties, obligations and privileges conferred upon the department by this article shall devolve upon the New York state board on electric generation siting and the environment. In considering the granting of permits, such board shall apply the provisions of this article and the Act.

§ 10. Paragraph j of subdivision 2 of section 19-0305 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

j. Consider for approval or disapproval applications for permits and certificates including plans or specifications for air contamination sources and air cleaning installations or any part thereof submitted consistent with the rules of the department, and inspect the installation for compliance with the plans or specifications; provided that in the case of a [~~major steam electric generating facility, as defined in~~

~~former section one hundred forty of the public service law, for which a certificate is required pursuant to the former article eight of the public service law, or a~~] major electric generating facility as defined in section one hundred sixty of the public service law, for which a certificate is required pursuant to article ten of the public service law, such approval functions may be performed by the state board on electric generation siting and the environment, as defined in the public service law, pursuant to federally delegated or approved environmental permitting authority, and such inspection functions shall be performed by the department. [~~Nothing herein shall limit the authority of the department of health and the department to monitor the environmental and health impacts resulting from the operation of such major steam electric generating facility and to enforce applicable provisions of the public health law and this chapter and the terms and conditions of the certificate governing the environmental and health impacts resulting from such operation.~~]

§ 11. Paragraph (d) of subdivision 2 of section 49-0307 of the environmental conservation law, as amended by section 17 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(d) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [~~or a major electric transmission facility which has received a siting permit pursuant to article VIII of the public service law~~], upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

§ 12. Paragraph (d) of subdivision 2 of section 49-0307 of the environmental conservation law, as added by chapter 292 of the laws of 1984, is amended to read as follows:

(d) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [~~or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to article eight of the public service law~~], upon the filing of such certificate in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law.

§ 13. Paragraph (e) of subdivision 3 of section 49-0307 of the environmental conservation law, as amended by section 18 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(e) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law[~~, a major electric transmission facility which has received a siting permit pursuant to article VIII of the public service law,~~] or a major electric generating facility or repowering project which has received a certificate of environmental compatibility and public need pursuant to article ten of the public service law, upon the filing of such certificate or permit in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law, provided that such certificate or permit

contains a finding that the public interest in the conservation and protection of the natural resources, open spaces and scenic beauty of the Adirondack or Catskill parks has been considered.

§ 14. Paragraph (e) of subdivision 3 of section 49-0307 of the environmental conservation law, as amended by chapter 388 of the laws of 2011, is amended to read as follows:

(e) where land subject to a conservation easement or an interest in such land is required for a major utility transmission facility which has received a certificate of environmental compatibility and public need pursuant to article seven of the public service law [~~or is required for a major steam electric generating facility which has received a certificate of environmental compatibility and public need pursuant to the former article eight of the public service law,~~] or a major electric generating facility or repowering project which has received a certificate of environmental compatibility and public need pursuant to article ten of the public service law, upon the filing of such certificate in a manner prescribed for recording a conveyance of real property pursuant to section two hundred ninety-one of the real property law or any other applicable provision of law, provided that such certificate contains a finding that the public interest in the conservation and protection of the natural resources, open spaces and scenic beauty of the Adirondack or Catskill parks has been considered.

§ 15. Subdivisions 33 and 55 of section 802 of the executive law, subdivision 33 as amended by chapter 899 of the laws of 1976 and subdivision 55 as amended by chapter 348 of the laws of 1973, are amended to read as follows:

33. "Major public utility use" means any electric power transmission or distribution line and associated equipment of a rating of more than fifteen kilovolts which is one mile or more in length; any telephone inter-exchange or trunk cable or feeder cable which is one mile or more in length; any telephone distribution facility containing twenty-five or more pairs of wire and designed to provide initial telephone service for new structures; any television, cable television, radio, telephone or other communication transmission tower; any pipe or conduit or other appurtenance used for the transmission of gas, oil or other fuel which is one mile or more in length; any electric substation, generating facility or maintenance building and any water or sewage pipes or conduits, including any water storage tanks, designed to service fifty or more principal buildings. Any use which is subject to the jurisdiction of the public service commission pursuant to article seven [~~or article eight~~] of the public service law or other prior approval by the public service commission under the provisions of the public service law is not a major public utility use or a use for the purposes of this article except for the shoreline restrictions in which case the bodies having jurisdiction over such uses under such article or other provisions shall have the authority of the agency or a local government under this article.

55. "Public utility use" means any public utility use, equipment or structure which is not a "major public utility use." A public utility use does not include any use which is subject to the jurisdiction of the public service commission pursuant to article seven [~~or article eight~~] of the public service law.

§ 16. Paragraph (p) of subdivision 27-a of section 1005 of the public authorities law is REPEALED.

§ 17. Section 1900 of the public authorities law, as amended by section 3 of part M of chapter 58 of the laws of 2024, is amended to read as follows:

§ 1900. Statement of legislative intent. It is the intent of the legislature in enacting this title to empower the New York state energy research and development authority to establish effective programs and other mechanisms to: (1) foster and encourage the orderly and expedient siting and development of renewable energy facilities and qualified energy storage systems, particularly at sites which are difficult to develop[~~, consistent with applicable law for the purpose of enabling the state to meet CLCPA targets as defined in subdivision one of section one hundred thirty-seven of article eight of the public service law~~]; (2) incentivize the re-use of previously developed sites for renewable energy facilities and qualified energy storage systems to protect the value of taxable land, capitalize on existing infrastructure; (3) support the provision of benefits to communities that host renewable energy facilities and qualified energy storage systems; and (4) protect environmental justice areas from adverse environmental impacts.

§ 18. Subdivision 7 of section 6-106 of the energy law, as amended by section 15 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

7. Any person who participated in the state energy planning proceeding or any person who sought an amendment of the state energy plan pursuant to subdivision six of this section, may obtain, pursuant to article seventy-eight of the civil practice law and rules, judicial review of the board's decision adopting a plan, or any amendment thereto, or of the board's decision not to amend such plan pursuant to subdivision six of this section. Any such special proceeding shall be brought in the appellate division of the supreme court of the state of New York for the third judicial department. Such proceeding shall be initiated by the filing of a petition in such court within thirty days after the issuance of a decision by the board. The proceeding shall have a lawful preference over any other matter, shall be heard on an expedited basis and shall be completed in all respects, including any subsequent appeal, within one hundred eighty days of the filing of the petition. Where more than one such petition is filed, the court may provide for consolidation of the proceedings. Notwithstanding the provisions of [~~articles~~] **article** seven [~~and eight~~] of the public service law, the procedure set forth in this section shall constitute the exclusive means for seeking judicial review of any element of the plan.

§ 19. Section 1014 of the public authorities law, as amended by section 20 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

§ 1014. Public service law not applicable to authority; inconsistent provisions in other acts superseded. The rates, services and practices relating to the generation, transmission, distribution and sale by the authority, of power to be generated from the projects authorized by this title shall not be subject to the provisions of the public service law nor to regulation by, nor the jurisdiction of the department of public service. Except to the extent article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, [~~article VIII of the public service law applies to the siting and operation of a major electric generation facility or a major electric transmission facility as defined therein,~~] and article ten of the public service law applies to the siting of a major electric generating facility as defined therein, and except to the

extent section eighteen-a of the public service law provides for assessment of the authority for certain costs relating thereto, the provisions of the public service law and of the environmental conservation law and every other law relating to the department of public service or the public service commission or to the environmental conservation department or to the functions, powers or duties assigned to the division of water power and control by chapter six hundred nineteen of the laws of nineteen hundred twenty-six, shall so far as is necessary to make this title effective in accordance with its terms and purposes be deemed to be superseded, and wherever any provision of law shall be found in conflict with the provisions of this title or inconsistent with the purposes thereof, it shall be deemed to be superseded, modified or repealed as the case may require.

§ 20. Subdivision 1 of section 1020-s of the public authorities law, as amended by section 21 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1. The rates, services and practices relating to the electricity generated by facilities owned or operated by the authority shall not be subject to the provisions of the public service law or to regulation by, or the jurisdiction of, the public service commission, except to the extent (a) article seven of the public service law applies to the siting and operation of a major utility transmission facility as defined therein, (b) [~~article VIII of the public service law applies to the siting and operation of a major electric generation facility or a major electric transmission facility as defined therein, (c)~~] article ten of such law applies to the siting of a generating facility as defined therein, [~~(d)~~] **(c)** section eighteen-a of such law provides for assessment for certain costs, property or operations, [~~(e)~~] **(d)** to the extent that the department of public service reviews and makes recommendations with respect to the operations and provision of services of, and rates and budgets established by, the authority pursuant to section three-b of such law, [~~(f)~~] **(e)** that section seventy-four of the public service law applies to qualified energy storage systems within the authority's jurisdiction, and [~~(g)~~] **(f)** that section seventy-four-b of the public service law applies to Long Island community choice aggregation programs.

§ 21. Paragraph c of subdivision 8 of section 1020-c of the public authorities law, as amended by section 23 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

c. [~~Articles~~] **Article** seven [~~and eight~~] of the public service law shall apply to the authority's siting and operation of a major electric transmission facility as therein defined and article ten of the public service law shall apply to the authority's siting and operation of a major electric generating facility as therein defined.

§ 22. Subdivision 2 of section 160 of the public service law, as amended by section 25 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

2. "Major electric generating facility" means an electric generating facility with a nameplate generating capacity of twenty-five thousand kilowatts or more, including interconnection electric transmission lines [~~that are not subject to review under article VIII of this chapter~~] and fuel gas transmission lines that are not subject to review under article seven of this chapter.

§ 23. Paragraph (e) of subdivision 4 of section 162 of the public service law, as amended by section 26 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(e) To a major renewable energy facility [~~as such term is defined in article VIII of this chapter~~]; provided, however, that any person intending to construct a major renewable energy facility, that has a draft pre-application public involvement program plan pursuant to section one hundred sixty-three of this article and the regulations implementing this article, which is pending with the siting board as of the effective date of this paragraph may remain subject to the provisions of this article [~~or, may, by written notice to the secretary of the commission, elect to become subject to the provisions of article VIII of this chapter~~].

§ 24. Subdivision 1-a of section 66-r of the public service law, as added by section 32 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

1-a. For the purposes of this section, an "other covered project" means: (a) any "thermal energy network" as defined by subdivision twenty-nine of section two of this chapter; (b) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct funding from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; or (c) a "major utility transmission facility" as such term is defined by section one hundred twenty of this chapter [~~or "major electric transmission facility" as defined by article VIII of this chapter~~].

§ 25. This act shall take effect immediately; provided, however, that:

(a) the amendments to paragraph (b) of subdivision 5 of section 8-0111 of the environmental conservation law made by section three of this act shall not affect the expiration and reversion of such subdivision pursuant to section 34 of part O of chapter 58 of the laws of 2024, as amended, when upon such date the provisions of section four of this act shall take effect;

(b) the amendments to subdivision (B) of section 206 of the eminent domain procedure law made by section five of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of part O of chapter 58 of the laws of 2024, as amended, when upon such date the provisions of section six of this act shall take effect;

(c) the amendments to subparagraph (g) of paragraph 3 of subdivision (B) of section 402 of the eminent domain procedure law made by section seven of this act shall not affect the expiration and repeal of such subparagraph and shall expire and be deemed repealed therewith;

(d) the amendments to paragraph (d) of subdivision 2 of section 49-0307 of the environmental conservation law made by section eleven of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of part O of chapter 58 of the laws of 2024, as amended, when upon such date the provisions of section twelve of this act shall take effect;

(e) the amendments to paragraph (e) of subdivision 3 of section 49-0307 of the environmental conservation law made by section thirteen of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 34 of part O of chapter 58 of the laws of 2024, as amended, when upon such date the provisions of section fourteen of this act shall take effect;

(f) the amendments to section 1900 of the public authorities law made by section seventeen of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(g) the amendments to subdivision 7 of section 6-106 of the energy law made by section eighteen of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith;

(h) the amendments to section 1014 of the public authorities law made by section nineteen of this act shall not affect the expiration and repeal of such section and shall expire and be deemed repealed therewith;

(i) the amendments to subdivision 1 of section 1020-s of the public authorities law made by section twenty of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith;

(j) the amendments to paragraph (c) of subdivision 8 of section 1020-c of the public authorities law made by section twenty-one of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith;

(k) the amendments to subdivision 2 of section 160 of the public authorities law made by section twenty-two of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith; and

(l) the amendments to paragraph (e) of subdivision 4 of section 162 of the public authorities law made by section twenty-three of this act shall not affect the expiration and repeal of such subdivision and shall expire and be deemed repealed therewith.