

STATE OF NEW YORK

S. 9917

A. 10965

SENATE - ASSEMBLY

April 14, 2026

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

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

AN ACT to amend the public service law, in relation to authorizing municipalities to require a permit for certain energy projects

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

1 Section 1. Legislative findings. It is the intent of the legislature
2 to give control of the construction of renewable energy and battery
3 storage systems in our cities, towns, and villages back to the people,
4 where it belongs. New York is a home rule state. Our history has been
5 built on the will of local communities. People get to make decisions
6 over how their communities look in almost every facet, except when it
7 comes to large-scale renewable energy projects. Renewable energy is not
8 a special product that gets to trample over the rights of local communi-
9 ties. People should still have a say over whether or not battery storage
10 systems or renewable energy generating facilities are built in their
11 community. This legislation will protect municipalities from state over-
12 reach and give people the right, through their local government, to
13 decide if they want renewable energy in their communities.

14 § 2. Subdivision 1 of section 140 of the public service law, as added
15 by section 11 of part O of chapter 58 of the laws of 2024, is amended to
16 read as follows:

17 1. No person shall commence the preparation of a site for, or begin
18 the construction of, a major renewable energy facility in the state, or
19 increase the capacity of an existing major renewable energy facility,
20 without having first obtained a major renewable energy facility siting
21 permit pursuant to this article, and any permit required by the munici-
22 pality or political subdivision in which such major renewable energy
23 facility is or will be located. Any major renewable energy facility
24 subject to this article with respect to which a siting permit is issued

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

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1 shall not thereafter be built, maintained, or operated except in
2 conformity with such major renewable energy facility siting permit, any
3 permit required by the municipality or political subdivision in which
4 such major renewable energy facility is or will be located, and any
5 terms, limitations, or conditions contained therein, provided that noth-
6 ing in this subdivision shall exempt such facility from compliance with
7 federal laws and regulations.

8 § 3. Subdivision 1 of section 141 of the public service law, as added
9 by section 11 of part O of chapter 58 of the laws of 2024, is amended to
10 read as follows:

11 1. Except as provided in paragraph (b) of subdivision five of this
12 section, no person shall commence the preparation of a site for, or
13 begin the construction of, a major electric transmission facility in the
14 state without having first obtained a siting permit pursuant to this
15 article, and any permit required by the municipality or political subdi-
16 vision in which such major electric transmission facility is or will be
17 located. Any major electric transmission facility subject to this arti-
18 cle with respect to which a siting permit is issued shall not thereafter
19 be built, maintained, or operated except in conformity with such siting
20 permit, any permit required by the municipality or political subdivision
21 in which such major electric transmission facility is or will be
22 located, and any terms, limitations, or conditions contained therein,
23 provided that nothing in this subdivision shall exempt such facility
24 from compliance with federal laws and regulations.

25 § 4. Subdivision 2 of section 144 of the public service law, as added
26 by section 11 of part O of chapter 58 of the laws of 2024, is amended to
27 read as follows:

28 2. Notwithstanding any other provision of law, including without limi-
29 tation article eight of the environmental conservation law and article
30 VII of this chapter, ~~[no]~~ any other state agency, department or authori-
31 ty, or any municipality or political subdivision in which a major renew-
32 able energy facility or major electric transmission facility is or will
33 be sited, or any agency thereof may~~[, except as expressly authorized~~
34 ~~under this article or the rules and regulations promulgated under this~~
35 ~~article,~~ require any approval, consent, permit, certificate, contract,
36 agreement, or other condition for the development, design, construction,
37 operation, or decommissioning of a major renewable energy facility or a
38 major electric transmission facility with respect to which an applica-
39 tion for a siting permit has been filed~~[, provided in the case of a~~
40 ~~municipality, political subdivision or an agency thereof, such entity~~
41 ~~has received notice of the filing of the application therefor]~~. Notwith-
42 standing the foregoing, the department of environmental conservation
43 shall be the permitting agency for permits issued pursuant to federally
44 delegated or federally approved programs.

45 § 5. Section 172 of the public service law is amended by adding a new
46 subdivision 3 to read as follows:

47 3. Notwithstanding subdivision one of this section or any other
48 provision of law, any municipality or political subdivision in which a
49 major electric generating facility is to be sited may require any
50 approval, consent, permit, certificate, contract, agreement, or other
51 condition for the development, design, construction, operation, or
52 decommissioning of such major electric generating facility.

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

54 (a) the amendments to subdivision 1 of section 140 of the public
55 service law made by section two of this act shall not affect the repeal
56 of such section and shall be deemed repealed therewith;

1 (b) the amendments to subdivision 1 of section 141 of the public
2 service law made by section three of this act shall not affect the
3 repeal of such section and shall be deemed repealed therewith; and
4 (c) the amendments to subdivision 2 of section 144 of the public
5 service law made by section four of this act shall not affect the repeal
6 of such section and shall be deemed repealed therewith.