STATE OF NEW YORK

8669

IN SENATE

January 7, 2026

Introduced by Sen. ASHBY -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to the thriving reliable inexpensive versatile energy council which will prepare and approve recommendations for achieving affordable and attainable statewide greenhouse gas reductions; to amend the environmental conservation law, the administrative code of the city of New York, the energy law, the public authorities law, the public service law, the public health law, the town law, the general municipal law, and the labor law, in relation to making technical corrections thereto; to repeal article 75 of the environmental conservation law relating to climate change; to repeal section 66-p of the public service law relating to the establishment of a renewable energy program; to repeal section 99-qq of the state finance law, relating to the New York climate action fund; and to repeal certain provisions of the public authorities law, relating to the New York state energy research and development authority

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

Section 1. Article 75 of the environmental conservation law is REPEALED and a new article 75 is added to read as follows:

ARTICLE 75

THRIVING RELIABLE INEXPENSIVE VERSATILE ENERGY COUNCIL

Section 75-0101. Thriving reliable inexpensive versatile energy council.
75-0103. Statewide greenhouse gas emissions report.

§ 75-0101. Thriving reliable inexpensive versatile energy council.

1. There is hereby established the thriving reliable inexpensive versatile energy council ("council") which shall consist of the following nineteen members:

a. the commissioners of economic development, environmental conservation, the chair of the public service commission, the president of the New York state energy research and development authority; New York power authority; Long Island power authority; and New York Independent System Operator; or their designees;

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

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b. three members to be appointed by the temporary president of the senate;

c. three members to be appointed by the speaker of the assembly;

d. three members to be appointed by the minority leader of the senate; and

e. three members to be appointed by the minority leader of the assembly.

2. The at large members shall include at all times individuals with expertise in the following areas: business, energy production, manufacturing, construction, labor, transportation, agriculture and a local government official.

3. Council members shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.

4. The co-chairs of the council shall be the chair of the public service commission and the president of the New York independent system operator; or their designee.

5. Each member of the council shall be entitled to one vote. The council's approval and adoption of the final scoping plan pursuant to this section, and any subsequent interim updates thereto, shall require a supermajority of the council. No action may be taken by the council unless there is a quorum, which shall at all times be a majority of the members of the council.

6. Any vacancies on the council shall be filled in the manner provided for in the initial appointment.

7. The council shall convene advisory panels requiring special expertise and, at a minimum, shall establish advisory panels on energy affordability, transportation, energy intensive and trade-exposed industries, land-use and local government, energy efficiency and construction costs, power generation, energy grid reliability and agriculture. Where applicable, advisory panels may provide recommendations for upstate versus downstate and provide cost-benefit analysis to support each regional policy distinction. The purpose of the advisory panels shall be to provide recommendations to the council on specific topics, in the preparation of the scoping plan, and interim updates to the scoping plan, and in fulfilling the council's ongoing duties.

a. Each advisory panel shall be chaired by the relevant at large member or designee. The council may convene and dissolve additional advisory panels, in its sole discretion, and pursuant to the requirements herein.

b. Advisory panels shall be comprised of no more than five voting members. The council shall elect advisory panel members, and such membership shall at all times represent individuals with direct involvement or expertise in matters to be addressed by the advisory panels pursuant to this section.

c. Advisory panels shall work directly with the council on the preparation of the scoping plan pursuant to this section.

8. The council shall, within two years of the effective date of this article, prepare and approve a scoping plan that outlines recommendations for achieving affordable and attainable statewide greenhouse gas reductions. The plan shall include proposed legislative and regulatory actions and must incorporate a detailed cost-benefit analysis, that includes a breakout of state, utility, and consumer projected costs. Each recommendation shall be demonstrated to be cost-effective. For the purposes of this article, cost-effective shall mean the proposed legislative and regulatory actions must not increase the per-kilowatt hour

price of electricity by more than the national average annual increase in the per-kilowatt hour price of electricity. The scoping plan shall include recommendations extending through at least the year two thousand forty. The first state energy plan issued after completion of the scoping plan required by this section shall incorporate the council's recommendations.

9. a. The council shall hold at least one public comment hearing on the draft scoping plan in each of the empire state development regions and shall allow at least one hundred twenty days for the submission of public comment.

b. The council shall provide meaningful opportunities for public comment from all segments of the population that will be impacted by the plan.

c. On or before three years of the effective date of this article, the council shall submit the final scoping plan to the governor, the speaker of the assembly and the temporary president of the senate, the minority leader of the senate and the minority leader of the assembly and post such plan on its website.

10. The scoping plan shall identify and make recommendations on regulatory measures, legislation and other state actions that will ensure affordable and attainable statewide greenhouse gas reductions. The measures and actions considered in such scoping plan shall at a minimum include:

a. Measures to ensure the state uses affordable, reliable sources of energy such as, among others, hydro, nuclear, clean natural gas, along with wind and solar;

b. Measures to ensure local input is considered during the siting process of energy facilities;

c. Measures to ensure the electric grid maintains reliability;

d. Measures to ensure energy and utility costs are affordable;

e. Measures to reduce emissions using energy efficiency that are cost effective;

f. Measures that provide consumer choice;

g. Land-use and transportation planning measures aimed at reducing greenhouse gas emissions from motor vehicles; and

h. Recommendations to aid in the transition of the state workforce.

11. The council shall update its plan for achieving affordable and attainable statewide greenhouse gas reductions at least once every five years and shall make such updates available to the governor, the speaker of the assembly, the temporary president of the senate, the minority leader of the senate, the minority leader of the assembly and post such updates on its website.

§ 75-0103. Statewide greenhouse gas emissions report.

No later than two years after the effective date of this article, and every two years thereafter, the department shall issue a report on statewide greenhouse gas emissions, expressed in tons of carbon dioxide equivalents, from all greenhouse gas emission sources in the state.

§ 2. Section 66-p of the public service law is REPEALED.

§ 3. Subdivision c of section 4-207.1 of the administrative code of the city of New York, as added by local law 99 for the year 2024, is amended to read as follows:

c. In meeting the requirements of subdivision b of this section, the department shall prioritize the installation of photovoltaic systems in disadvantaged communities, as defined by section [~~75-0101~~] 8-0105 of the environmental conservation law.

§ 4. Subdivision 18-a of section 16-102 of the energy law, as added by chapter 374 of the laws of 2022, is amended to read as follows:

18-a. "Greenhouse gas" means [~~"greenhouse gas" as defined in subdivision seven of section 75-0101 of the environmental conservation law~~] carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other substance emitted into the air that may be reasonably anticipated to cause or contribute to anthropogenic climate change.

§ 5. Subdivision 9 of section 8-0105 of the environmental conservation law, as added by chapter 840 of the laws of 2022, is amended to read as follows:

9. "Disadvantaged community" [~~shall have the same meaning as subdivision five of section 75-0101 of this chapter~~] means communities that bear burdens of negative public health effects, environmental pollution, impacts of climate change, and possess certain socioeconomic criteria, or comprise high-concentrations of low- and moderate- income households.

§ 6. Subdivision 3 of section 54-1511 of the environmental conservation law, as amended by section 1 of part S of chapter 58 of the laws of 2024, is amended to read as follows:

3. State assistance payments shall not exceed fifty percent of the project cost or two million dollars, whichever is less, provided however if a municipality meets criteria established by the department relating to either financial hardship or disadvantaged communities pursuant to section [~~75-0101~~] 8-0105 of this chapter, the commissioner may authorize state assistance payments of up to eighty percent of the project cost or two million dollars, whichever is less. Such costs are subject to final computation and determination by the commissioner upon completion of the project, and shall not exceed the maximum eligible cost set forth in the contract. A determination of financial hardship shall be based on criteria that clearly indicates that the municipality is experiencing significant and widespread financial distress, with primary consideration given to whether a municipality has a median household income at or below eighty percent of the state median household income.

§ 7. Paragraph (a) of subdivision 1 of section 70-0118 of the environmental conservation law, as amended by chapter 49 of the laws of 2023, is amended to read as follows:

(a) "Disadvantaged communities" shall have the same meaning as subdivision [~~five~~] nine of section [~~75-0101~~] 8-0105 of this chapter.

§ 8. Paragraph (a) of subdivision 5 of section 70-0118 of the environmental conservation law, as added by chapter 49 of the laws of 2023, is amended to read as follows:

(a) relevant baseline data on existing burdens, including from relevant criteria used to designate the particular disadvantaged communities [~~pursuant to subdivision one of section 75-0111 of this chapter~~];

§ 9. Subdivision 8 of section 76-0101 of the environmental conservation law, as amended by chapter 100 of the laws of 2025, is amended to read as follows:

8. "Covered greenhouse gas emissions" means, with respect to any entity, the total quantity of greenhouse gas emissions, expressed in metric tons of carbon dioxide equivalent, [~~as defined in section 75-0101 of this chapter,~~] attributable to the total amount of fossil fuels extracted by that entity during the covered period, as well as the total amount of crude oil refined by that entity during the covered period. For the purposes of this article, covered greenhouse gas emissions include those emissions attributable to all fossil fuel extraction and

refining worldwide by such entity and are not limited to such emissions within the state.

§ 10. Paragraph g of subdivision 2 of section 76-0103 of the environmental conservation law, as amended by chapter 100 of the laws of 2025, is amended to read as follows:

g. To allocate funds in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate change adaptive infrastructure projects that benefit disadvantaged communities as defined in section [~~75-0101~~] **8-0105** of this chapter.

§ 11. Paragraph (d) of subdivision 27-a of section 1005 of the public authorities law, as amended by section 28 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

(d) No later than one hundred eighty days after the effective date of this subdivision, and annually thereafter, the authority shall confer with the New York state energy research and development authority, the department of public service, climate and resiliency experts, labor organizations, and environmental justice and community organizations concerning the state's progress on meeting [~~the~~] **certain** renewable energy goals [~~established by the climate leadership and community protection act. When exercising the authority provided for in paragraph (a) of this subdivision, the information developed through such conferral shall be used to identify projects to help ensure that the state meets its goals under the climate leadership and community protection act~~]. Any conferral provided for in this paragraph shall include consideration of the timing of projects in the interconnection queue of the federally designated electric bulk system operator for New York state, taking into account both capacity factors or planned projects and the interconnection queue's historical completion rate. A report on the information developed through such conferral shall be published and made accessible on the website of the authority.

§ 11-a. Paragraph (d) of subdivision 27-a of section 1005 of the public authorities law, as added by section 1 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(d) No later than one hundred eighty days after the effective date of this subdivision, and annually thereafter, the authority shall confer with the New York state energy research and development authority, the office of renewable energy siting, the department of public service, climate and resiliency experts, labor organizations, and environmental justice and community organizations concerning the state's progress on meeting [~~the~~] **certain** renewable energy goals [~~established by the climate leadership and community protection act~~]. When exercising the authority provided for in paragraph (a) of this subdivision, the information developed through such conferral shall be used to identify projects to help ensure that the state meets its goals under the climate leadership and community protection act. Any conferral provided for in this paragraph shall include consideration of the timing of projects in the interconnection queue of the federally designated electric bulk system operator for New York state, taking into account both capacity factors or planned projects and the interconnection queue's historical completion rate. A report on the information developed through such conferral shall be published and made accessible on the website of the authority.

§ 11-b. Paragraph (a) of subdivision 27-b of section 1005 of the public authorities law, as added by section 2 of part QQ of chapter 56 of the laws of 2023, is amended to read as follows:

(a) Definitions. For purposes of this subdivision, the following terms shall have the following meanings:

(i) "bill credit" means a monthly monetary credit which is funded by the authority, as further determined by the public service commission and appears on the utility bill of a low-income or moderate-income end-use electricity consumer located in a disadvantaged community, for renewable energy produced by renewable energy systems developed, constructed, owned, or contracted for by the power authority of the state of New York and injected into a distribution or transmission facility at one or more points in New York state, together with any enhanced incentive payments for a community distributed generation project serving a disadvantaged community provided for in [~~paragraph (b) of~~] subdivision [~~seven~~] nine of section [~~sixty-six-p~~] 8-0105 of the [~~public service~~] environmental conservation law, together with any other funding made available by the authority for such purposes;

(ii) "disadvantaged community" means a community defined as a disadvantaged community in accordance with [~~article seventy-five~~] section 8-0105 of the environmental conservation law;

(iii) "jurisdictional load serving entity" has the same meaning as defined in paragraph (a) of subdivision one of section sixty-six-p of the public service law;

(iv) [~~"low-income or moderate-income end-use consumer" shall mean end-use customers of electric corporations and combination gas and electric corporations regulated by the public service commission whose income is found to be below the state median income based on household size;~~

~~(v)~~] "renewable energy" means electrical energy produced by a renewable energy system;

[~~(vi)~~] (v) "renewable energy systems" [~~has the same meaning as defined in paragraph (b) of subdivision one of section sixty-six-p of the public service law~~] shall be defined by the public service commission and shall include, but not be limited to, an energy system that uses solar, wind, hydropower, hydrogen, nuclear power, or natural gas as its power source; and

[~~(vii)~~] (vi) "qualified energy storage system" has the same meaning as defined in subdivision one of section seventy-four of the public service law.

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

§ 13. Subdivisions 3 and 4 of section 1911 of the public authorities law, subdivision 3 as added by chapter 759 of the laws of 2023 and subdivision 4 as amended by chapter 106 of the laws of 2024, are amended to read as follows:

3. "Disadvantaged communities" shall have the same meaning as defined in subdivision [~~five~~] nine of section [~~75-0101~~] 8-0105 of the environmental conservation law.

4. "Renewable energy" shall [~~have the same meaning as defined in section sixty-six-p of the public service law~~] be defined by the public service commission and shall include, but not be limited to, energy derived from an energy system that uses solar, wind, hydropower, hydrogen, nuclear power, or natural gas as its power source.

§ 14. Subdivisions 1 and 2 of section 66-t of the public service law, as added by chapter 375 of the laws of 2022, are amended to read as follows:

1. The public service commission shall initiate a proceeding within three months of the effective date of this section to support the devel-

opment of thermal energy networks [~~for the purpose of meeting the greenhouse gas emissions and equity goals of the climate leadership and community protection act~~]. The matters the commission shall consider in such proceeding shall include, but shall not be limited to, the appropriate ownership, market, and rate structures for thermal energy networks and whether the provision of thermal energy services by gas and/or electric utilities is in the public interest. The commission shall promulgate rules and regulations within two years to: (a) create fair market access rules for utility-owned thermal energy networks to accept thermal energy [~~that aligns with the climate justice and greenhouse gas emissions reductions requirements of the climate leadership and community protection act~~] and that does not increase greenhouse gas emissions or co-pollutants; (b) exempt small-scale thermal energy networks not owned by utilities from commission regulation; (c) promote the training and transition of utility workers impacted by this [~~act~~] **section**; and (d) encourage third party participation and competition where it will maximize benefits to customers.

2. Within three months of the effective date of this section, each of the seven largest gas, electric, or combination gas and electric corporations shall submit to the commission for review and approval at least one and as many as five proposed pilot thermal energy network projects. In developing the pilot project proposals, at least one pilot project in each utility territory shall be proposed in a disadvantaged community as defined in subdivision [~~five~~] **nine** of section [~~75-0101~~] **8-0105** of the environmental conservation law, and if a utility proposes four or more pilot projects, at least two shall be proposed in disadvantaged communities. Each utility shall coordinate with other utility participants, the New York state energy research and development authority, and consultants with expertise on successful pilot projects to ensure that the pilot projects are diverse and designed to inform the commission's decisions in the proceeding on the various ownership, market, and rate structures for thermal energy networks. The pilot project proposals shall include specific customer protection plans and shall be made publicly available on the commission's website and shall be subject to a public comment period of no less than thirty days. Within six months of the effective date of this section, the commission shall determine whether it is in the public interest to approve or modify such pilot thermal energy network projects and shall issue an order directing each gas, electric or combination gas and electric corporation to implement such proposed or modified pilot thermal energy network projects. In considering whether pilot thermal energy network projects are in the public interest, the commission shall consider whether the pilot project will develop information useful for the commission's promulgation of regulations governing thermal energy networks, [~~whether the pilot project furthers the climate justice and/or emissions reduction mandates of the climate leadership and community protection act,~~] whether the pilot project advances financial and technical approaches to equitable and affordable building electrification, and whether the pilot project creates benefits to customers and society at large, including but not limited to public health benefits in areas with disproportionate environmental or public health burdens, job retention/creation, reliability, and increased affordability of renewable thermal energy options.

§ 15. Section 99-qq of the state finance law, as added by section 2 of part TT of chapter 56 of the laws of 2023, is REPEALED.

§ 16. Subdivisions 24, 25 and 26 of section 1854 of the public authorities law are REPEALED.

§ 17. The third undesignated paragraph of subdivision a of section 25-120 of the administrative code of the city of New York, as added by local law number 172 for the year 2023, is amended to read as follows:

Disadvantaged community. The term "disadvantaged community" means a disadvantaged community identified pursuant to section [~~75-0111~~] **8-0105** of the environmental conservation law.

§ 18. Paragraph (d) of subdivision 1 of section 16-106 of the energy law, as added by chapter 374 of the laws of 2022, is amended to read as follows:

(d) To adopt regulations to achieve the purposes of this article. Such regulations shall ensure that compliance therewith will not result in a net increase in co-pollutant emissions or otherwise disproportionately burden disadvantaged communities [~~as identified by the climate justice working group established under section 75-0111 of the environmental conservation law. In order to increase public participation and improve the efficacy of any efficiency standards adopted pursuant to subdivision (b) or (c) of this section, the president shall, before publication of a notice of proposed rule making, conduct public meetings to provide meaningful opportunities for public comment from all segments of the population that would be impacted by the standards or regulations, including persons living in disadvantaged communities as identified by the climate justice working group established under section 75-0111 of the environmental conservation law~~];

§ 19. Subdivisions 32 and 33 of section 27-1405 of the environmental conservation law, as added by section 1 of part LL of chapter 58 of the laws of 2022, are amended to read as follows:

32. "Disadvantaged community" shall mean a community that is identified pursuant to section [~~75-0111~~] **8-0105** of this chapter.

33. "Renewable energy facility site" shall mean real property: (a) that is used for a renewable energy system[~~, as defined in section sixty-six-p of the public service law~~]; or (b) any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission, sub-transmission, or distribution system.

§ 20. Subdivision 4 of section 58-0101 of the environmental conservation law, as amended by section 2 of part OO of chapter 58 of the laws of 2022, is amended to read as follows:

4. "Disadvantaged communities" shall mean a community that is identified pursuant to section [~~75-0111~~] **8-0105** of this chapter.

§ 21. Paragraph (a) of subdivision 1 of section 70-0118 of the environmental conservation law, as amended by chapter 49 of the laws of 2023, is amended to read as follows:

(a) "Disadvantaged communities" shall have the same meaning as subdivision [~~five~~] **nine** of section [~~75-0101~~] **8-0105** of this chapter.

§ 22. Paragraph g of subdivision 2, paragraph d of subdivision 3, paragraph h of subdivision 6, and subdivision 7 of section 76-0103 of the environmental conservation law, paragraph g of subdivision 2, paragraph d of subdivision 3, and paragraph h of subdivision 6 as amended and subdivision 7 as added by chapter 100 of the laws of 2025, are amended to read as follows:

g. To allocate funds in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate change adaptive infrastructure projects that benefit disadvantaged communities as defined in section [~~75-0101~~] **8-0105** of this chapter.

d. In determining the amount of greenhouse gas emissions attributable to any entity, the department may: i. require an entity to provide information to the department related to past practices, production, extraction, refining, emissions, or other historical information about such entity necessary or appropriate to enable the department to determine whether such entity is a responsible party and, if so, the amount of such responsible party's covered greenhouse gas emissions; ii. apply consistent emissions factors, [~~consistent with the climate leadership and community protection act pursuant to chapter one hundred six of the laws of two thousand nineteen,~~] to convert extraction and refining data into greenhouse gas emissions; and iii. utilize information received from the department of taxation and finance pursuant to subdivision (a) of section three hundred fourteen of the tax law.

h. provide opportunities for public engagement in all regions of the state, including by holding at least two public hearings, one in-person and one virtual, with meaningful opportunities for participation and public comment from all segments of the population, including persons living in disadvantaged communities as identified pursuant to section [~~75-0111~~] **8-0105** of this chapter, a minimum of sixty days' public notice in compliance with the provisions of article seven of the public officers law, on a draft of the plan, a summary and analysis of the public comments and a description of any changes made to the plan based on the public comments received.

7. Total qualifying expenditures shall be allocated in such a way as to achieve a goal that at least forty percent of the qualified expenditures from the program, but not less than thirty-five percent of such expenditures, shall go to climate change adaptive infrastructure projects that benefit disadvantaged communities as defined in section [~~75-0101~~] **8-0105** of this chapter.

§ 23. Paragraph (s) of subdivision 1 of section 207 of the public health law, as added by chapter 294 of the laws of 2024, is amended to read as follows:

(s) Promoting public awareness of the dangers of fatal and non-fatal drowning, including but not limited to the unique risk factors and exposures associated with infant and early drowning, childhood and teenage drowning and adult drowning, the disparate risk of drowning in disadvantaged communities identified pursuant to section [~~75-0111~~] **8-0105** of the environmental conservation law and with individuals with a mental disability as defined by subdivision three of section 1.03 of the mental hygiene law, and methods to reduce the risks of drowning, including but not limited to water safety instruction, swim lessons, and awareness of water based risks.

§ 24. Paragraph (f) of subdivision 1 of section 64-e of the town law, as added by chapter 666 of the laws of 2024, is amended to read as follows:

(f) "Disadvantaged communities" shall mean a community that is identified pursuant to section [~~75-0111~~] **8-0105** of the environmental conservation law.

§ 25. Subdivision 21 of section 854 of the general municipal law, as added by section 5 of part X of chapter 59 of the laws of 2021, is amended to read as follows:

(21) "Renewable energy project" shall mean any project and associated real property on which the project is situated, that utilizes any system or equipment as set forth in section four hundred eighty-seven of the real property tax law [~~or as defined pursuant to paragraph b of subdivi-~~

~~sion one of section sixty-six-p of the public service law as added by chapter one hundred six of the laws of two thousand nineteen~~].

§ 26. Subdivisions 1 and 2 of section 224-d of the labor law, subdivision 1 as amended by section 31 of part O of chapter 58 of the laws of 2024, and subdivision 2 as added by section 2 of part AA of chapter 56 of the laws of 2021, are amended to read as follows:

1. For purposes of this section, a "covered renewable energy system" means: (a) a renewable energy system[~~, as such term is defined in section sixty-six-p of the public service law,~~] that uses renewable energy as defined by the public service commission, including but not limited to, solar, wind, hydropower, hydrogen, nuclear power, or natural gas as its power source with a capacity of one or more megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a company or corporation provided in subdivisions twenty-three and twenty-four of section two of the public service law, or a third party acting on behalf and for the benefit of a public entity; (b) any "thermal energy network" as defined by subdivision twenty-nine of section two of the public service law; (c) 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 (d) a "major utility transmission facility" as such term is defined by section one hundred twenty of the public service law.

2. Notwithstanding the provisions of section two hundred twenty-four-a of this article, a covered renewable energy system shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of this article. Provided that a renewable energy system [~~defined in section sixty-six-p of the public service law~~] which is not considered to be covered by this section, may still otherwise be considered a "covered project" pursuant to section two hundred twenty-four-a of this article if it meets such definition.

§ 27. Subdivision 1 of section 66-r of the public service law, as added by section 2-a of part AA of chapter 56 of the laws of 2021, is amended to read as follows:

1. For the purposes of this section, a "covered renewable energy system" means a renewable energy system[~~, as such term is defined in section sixty-six-p of this article,~~] that uses renewable energy as defined by the public service commission, including but not limited to, solar, wind, hydropower, hydrogen, nuclear power, or natural gas as its power source with a capacity of greater than five megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a third party acting on behalf and for the benefit of a public entity.

§ 28. Subdivision 4 of section 137 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

4. "Major renewable energy facility" means any renewable energy system[~~, as such term is defined in section sixty-six-p of this chapter,~~] that uses renewable energy as defined by the public service commission as its power source with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to deliv-

ering it to the bulk transmission system, including all associated appurtenances to electric plants, including electric transmission facilities less than ten miles in length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.

§ 29. This act shall take effect immediately; provided, however, that the amendments to subdivisions 3 and 4 of section 1911 of the public authorities law made by section thirteen of this act shall not affect the repeal of such subdivisions and shall be deemed repealed therewith; provided, further, that the amendments made to subdivision 4 of section 137 of the public service law made by section twenty-eight of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith; provided, further, that the amendments to paragraph (d) of subdivision 27-a of section 1005 of the public authorities 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 eleven-a of this act shall take effect.