

# 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:

- 1 Section 1. Article 8 of the public service law is REPEALED.  
2 § 2. Section 3-c of the public service law is REPEALED.  
3 § 3. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-  
4 mental conservation law, as amended by section 16 of part O of chapter  
5 58 of the laws of 2024, is amended to read as follows:  
6 (b) Actions subject to the provisions requiring a certificate of envi-  
7 ronmental compatibility and public need in articles seven and ten of the  
8 public service law [~~or requiring a major renewable energy facility or a~~  
9 ~~major electric transmission facility siting permit under article eight~~  
10 ~~of the public service law~~]; or  
11 § 4. Paragraph (b) of subdivision 5 of section 8-0111 of the environ-  
12 mental conservation law, as amended by section 1 of part BBB of chapter  
13 55 of the laws of 2021, is amended to read as follows:  
14 (b) Actions subject to the provisions requiring a certificate of envi-  
15 ronmental compatibility and public need in articles seven[~~7~~] and ten  
16 [~~and the former article eight~~] of the public service law [~~or requiring a~~  
17 ~~siting permit under section ninety four c of the executive law~~]; or  
18 § 5. Subdivision (B) of section 206 of the eminent domain procedure  
19 law, as amended by section 13 of part O of chapter 58 of the laws of  
20 2024, is amended to read as follows:  
21 (B) pursuant to article VII of the public service law it obtained a  
22 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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1 ~~to article VIII of the public service law it obtained a siting permit~~  
2 ~~with respect to a major electric transmission facility] or;~~

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

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

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

11 (g) if the property is to be used for the construction of a major  
12 utility transmission facility, as defined in section one hundred twenty  
13 of the public service law with respect to which a certificate of envi-  
14 ronmental compatibility and public need has been issued under such law,  
15 a statement that such certificate relating to such property has been  
16 issued and is in force~~[, or if the property is to be used for the~~  
17 ~~construction of a major electric transmission facility, as defined under~~  
18 ~~article VIII of the public service law, with respect to which a major~~  
19 ~~electric transmission facility siting permit has been issued under such~~  
20 ~~law, a statement that such permit relating to such property has been~~  
21 ~~issued and is in force].~~

22 § 8. Subdivision 9 of section 17-0701 of the environmental conserva-  
23 tion law is REPEALED.

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

26 § 17-0823. Power plant siting.

27 In the case of a ~~[major steam electric generating facility, as defined~~  
28 ~~in section one hundred forty of the public service law, for the~~  
29 ~~construction or operation of which a certificate is required under the~~  
30 ~~former article eight of the public service law, or a]~~ major electric  
31 generating facility as defined in section one hundred sixty of the  
32 public service law, for the construction or operation of which a certif-  
33 icate is required under article ten of the public service law, such  
34 certificate shall be deemed a permit under this section if issued by the  
35 state board on electric generation siting and the environment pursuant  
36 to federally delegated or approved environmental permit authority. Noth-  
37 ing herein shall limit the authority of the department of health and the  
38 department to monitor the environmental and health impacts resulting  
39 from the operation of such ~~[major steam electric generating facility or]~~  
40 major electric generating facility and to enforce applicable provisions  
41 of the public health law and this article and the terms and conditions  
42 of the certificate governing the environmental and health impacts  
43 resulting from such operation. In such case all powers, duties, obli-  
44 gations and privileges conferred upon the department by this article  
45 shall devolve upon the New York state board on electric generation  
46 siting and the environment. In considering the granting of permits, such  
47 board shall apply the provisions of this article and the Act.

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

51 j. Consider for approval or disapproval applications for permits and  
52 certificates including plans or specifications for air contamination  
53 sources and air cleaning installations or any part thereof submitted  
54 consistent with the rules of the department, and inspect the installa-  
55 tion for compliance with the plans or specifications; provided that in  
56 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 0 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 0 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

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

4 § 14. Paragraph (e) of subdivision 3 of section 49-0307 of the envi-  
5 ronmental conservation law, as amended by chapter 388 of the laws of  
6 2011, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

44 § 1014. Public service law not applicable to authority; inconsistent  
45 provisions in other acts superseded. The rates, services and practices  
46 relating to the generation, transmission, distribution and sale by the  
47 authority, of power to be generated from the projects authorized by this  
48 title shall not be subject to the provisions of the public service law  
49 nor to regulation by, nor the jurisdiction of the department of public  
50 service. Except to the extent article seven of the public service law  
51 applies to the siting and operation of a major utility transmission  
52 facility as defined therein, [~~article VIII of the public service law~~  
53 ~~applies to the siting and operation of a major electric generation~~  
54 ~~facility or a major electric transmission facility as defined therein,~~  
55 and article ten of the public service law applies to the siting of a  
56 major electric generating facility as defined therein, and except to the

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

14 § 20. Subdivision 1 of section 1020-s of the public authorities law,  
15 as amended by section 21 of part 0 of chapter 58 of the laws of 2024, is  
16 amended to read as follows:

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

37 § 21. Paragraph c of subdivision 8 of section 1020-c of the public  
38 authorities law, as amended by section 23 of part 0 of chapter 58 of the  
39 laws of 2024, is amended to read as follows:

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

45 § 22. Subdivision 2 of section 160 of the public service law, as  
46 amended by section 25 of part 0 of chapter 58 of the laws of 2024, is  
47 amended to read as follows:

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

54 § 23. Paragraph (e) of subdivision 4 of section 162 of the public  
55 service law, as amended by section 26 of part 0 of chapter 58 of the  
56 laws of 2024, is amended to read as follows:

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

11 § 24. Subdivision 1-a of section 66-r of the public service law, as  
12 added by section 32 of part 0 of chapter 58 of the laws of 2024, is  
13 amended to read as follows:

14 1-a. For the purposes of this section, an "other covered project"  
15 means: (a) any "thermal energy network" as defined by subdivision twenty-  
16 ty-nine of section two of this chapter; (b) any offshore wind supply  
17 chain project, including but not limited to port infrastructure, primary  
18 component manufacturing, finished component manufacturing, subassembly  
19 manufacturing, subcomponent manufacturing, or raw material producers, or  
20 a combination thereof receiving direct funding from the New York state  
21 energy research and development authority pursuant to an award under a  
22 New York state energy research and development authority solicitation;  
23 or (c) a "major utility transmission facility" as such term is defined  
24 by section one hundred twenty of this chapter [~~or "major electric trans-~~  
25 ~~mission facility" as defined by article VIII of this chapter~~].

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

27 (a) the amendments to paragraph (b) of subdivision 5 of section 8-0111  
28 of the environmental conservation law made by section three of this act  
29 shall not affect the expiration and reversion of such subdivision pursu-  
30 ant to section 34 of part 0 of chapter 58 of the laws of 2024, as  
31 amended, when upon such date the provisions of section four of this act  
32 shall take effect;

33 (b) the amendments to subdivision (B) of section 206 of the eminent  
34 domain procedure law made by section five of this act shall be subject  
35 to the expiration and reversion of such subdivision pursuant to section  
36 34 of part 0 of chapter 58 of the laws of 2024, as amended, when upon  
37 such date the provisions of section six of this act shall take effect;

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

42 (d) the amendments to paragraph (d) of subdivision 2 of section  
43 49-0307 of the environmental conservation law made by section eleven of  
44 this act shall be subject to the expiration and reversion of such subdivi-  
45 sion pursuant to section 34 of part 0 of chapter 58 of the laws of  
46 2024, as amended, when upon such date the provisions of section twelve  
47 of this act shall take effect;

48 (e) the amendments to paragraph (e) of subdivision 3 of section  
49 49-0307 of the environmental conservation law made by section thirteen  
50 of this act shall be subject to the expiration and reversion of such  
51 subdivision pursuant to section 34 of part 0 of chapter 58 of the laws  
52 of 2024, as amended, when upon such date the provisions of section four-  
53 teen of this act shall take effect;

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

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

5 (h) the amendments to section 1014 of the public authorities law made  
6 by section nineteen of this act shall not affect the expiration and  
7 repeal of such section and shall expire and be deemed repealed there-  
8 with;

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

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

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

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