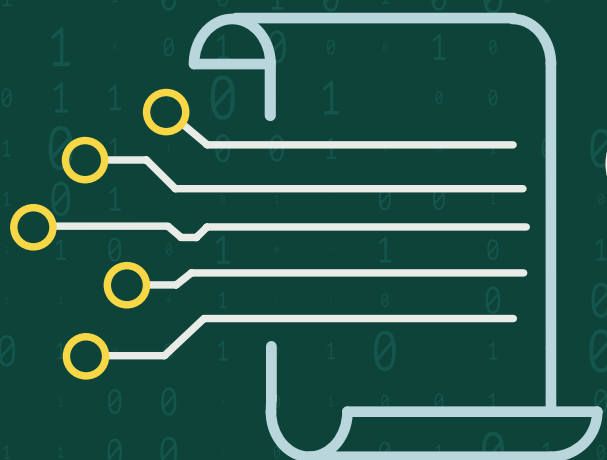


October 2026



Model State Law CLEAN GRID Act

Creating Low Emissions, Accountability,
and New Generation Rules for
Infrastructure and Data Centers



Model
Climate Laws
Initiative

Sabin Center
for Climate
Change Law



CLIMATE XCHANGE

Introduction and Background

Armed with powers over project permitting, statewide planning, and utility regulation, state legislatures have the authority and responsibility to shape if, how, and where data centers are built. In response to requests for example laws aligned with state goals, the Model Climate Laws Initiative, in partnership with Climate XChange, Climate Mayors, and the Cities Climate Law Initiative, developed this model law.

Data Centers, Load Growth, and GHG Emissions

Data centers are the leading driver of electric load growth in the United States and, without smart policy interventions, are on track to drive a corresponding increase in greenhouse gas emissions (GHGs). National estimates of data center load suggest that it could increase sixfold from [2025 levels](#) by 2035, hitting [194 gigawatts](#) (GW). These increased megawatt-hours may precede a proportionate increase in emissions. A [2025 report](#) from the Center for Biological Diversity, for example, found that carbon emissions from US data centers could triple by 2035, contributing more than 350 million metric tons of carbon equivalent emissions annually.

These projected emissions are increasingly being driven by massive projects, with around a quarter of recently announced data centers [exceeding 500 MW of demand](#)—or more power than a medium-sized city. These are only a few signposts amid a flood of projections on this quickly evolving market, but they are representative of the national story: unregulated data center development has the potential to dramatically undermine GHG targets at both the state and national levels.

State Authority to Enact Guardrail Legislation

State governments have broad authority to address these impacts. [About three quarters](#) of Americans get their electricity delivered by investor-owned utilities, which are highly regulated by state public utility commissions (PUCs). State environmental agencies typically have broad authority to impose conditions on the siting and permitting of data center projects, and legislatures can expand that authority by introducing new types of permitting requirements for these mega-projects. Across the country, [hundreds of state-level bills](#) have been introduced in 2025 and 2026 sessions addressing different types of data center impacts. The project team behind this model law has reviewed this body of proposed and enacted policy to better support the legal strategies in this model law.

From a technical perspective, data center emissions may be driven by both on- and offsite primary power generation, as well as from on-site backup power generation. To directly decrease these emissions, data centers can purchase clean power, install it on-site, and make their backup generators as efficient as possible while minimizing their hours of operation. Each of these requirements can be set in state legislation. From a policy perspective, however, there are many more types of solutions that data centers can contribute to, from promoting efficiency and distributed energy solutions in surrounding communities to supporting the grid architecture that advances clean energy deployment broadly.

Provisions of the Model State Law

This model law addresses the primary ways that states can require data centers to mitigate their emissions directly, while convening regulators and agencies to pursue strategies by which data centers can minimize their broader societal emissions. It is intended to serve as a template that can function in and be adaptable to different types of states, including states with fully regulated energy markets, where utilities will own the generation that serves data centers, and deregulated states where they will not.

The summary below highlights how key sections of the model law build on each other:

- Section 5 of this model law sets out the primary legal mechanism by which states may consolidate their data center requirements: a newly created “Certificate of Operation” that may only be granted when several other requirements imposed by this legislation are satisfied.
- Section 6 sets out the core “Bring Your Own New Clean Energy” (BYONCE) requirements for data centers to provide new, additional clean energy to satisfy their own load, including by utilizing energy storage and other distributed energy resources, like virtual power plants. That energy can be provided in several different ways, which the model law describes and grants authority to the PUC to administer, from power purchase agreements with new generators (which may be more relevant in deregulated energy markets) to new utility tariffs (which may be more relevant in regulated energy markets).
- Section 7 grants the PUC authority to engage in the various types of rulemaking and ratemaking proceedings that may be necessary to support each of these mechanisms. These BYONCE mechanisms limit both the GHG emissions associated with data centers and the potential impact on electric ratepayers, driving affordability benefits.
- Section 8 of this model law sets out terms addressing backup power for data centers, requiring data centers to use nonemitting sources of backup power to the extent

technically feasible, and then maximize the efficiency of emitting sources while minimizing their hours of operation.

- Sections 9 and 10 of this model law address transparency and disclosure requirements around data centers, forbidding the use of nondisclosure agreements in the project permitting process, while requiring the disclosure of certain types of project impacts and community consultation processes.
- Sections 4 and 14 of the model law leverage this transparency to inform broader state efforts in guiding the data center industry. Section 4 establishes a Data Center Planning Commission between different state agencies and legislative appointees. That agency is tasked with reviewing the impacts of data center development across the state broadly and making additional legislative or regulatory recommendations. Section 14 instructs the Data Center Planning Commission, in consultation with the state energy agency, to identify opportunity zones where data centers might take advantage of technical opportunities to support clean energy and efficiency, such as by serving a thermal energy network, utilizing surplus interconnection capacity, filling a transmission need, and more.

Disclaimer

This model law is a product developed in response to requests for information on how state governments can address the impacts of data center development. It is provided for educational and informational purposes only. The authors are not advocating for the adoption of this model law, or any part of it, by any jurisdiction.

This model law was principally drafted by the Model Climate Laws Initiative, a project of the Sabin Center for Climate Change Law at Columbia University and Environmental Advocates NY. Support in research, outlining, drafting, and peer review of the model law was provided by:

- Climate XChange, a nonprofit dedicated to advancing state-level climate policy;
- Climate Mayors, a bipartisan network of over 350 mayors demonstrating climate leadership; and
- The Cities Climate Law Initiative, a project of the Sabin Center for Climate Change Law at Columbia University

This model law is provided as a product of the project team's nonpartisan research and education efforts for policymakers on regulatory solutions for the data center industry. The model does not constitute a recommendation that any specific jurisdiction adopt particular terms.

Model State Law: Creating Low Emissions, Accountability, and New Generation Rules for Infrastructure and Data Centers (CLEAN GRID Act)

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1) Section 1. Short Title

This Act shall be known and may be cited as the “Creating Low Emissions, Accountability, and New Generation Rules for Infrastructure and Data Centers Act” or “CLEAN GRID Act.”

2) Section 2. Legislative Findings and Purpose

- a) The Legislature hereby finds and declares that:
 - i) Data centers are large industrial-scale facilities that often utilize substantial amounts of energy;

- ii) Hyperscale data centers are large load customers that are among the most significant contributors to increasing electricity demand in the State;
- iii) Hyperscale data centers have the potential to significantly impact the State's electricity grid and provision of utilities, and therefore the State's overall economic well-being, including but not limited to energy reliability, energy affordability, electricity generation and infrastructure development, and overall Statewide energy planning;
- iv) Depending on the source of energy used to power new hyperscale data centers, these facilities may be responsible for significant air emissions and other adverse environmental impacts, along with resulting consequences for public health;
- v) Responsible management of hyperscale data center growth in the State is necessary to ensure consistency with State policies regarding clean energy development, reliability, and affordability, and to protect the public welfare of the State;
- vi) The potential impacts of hyperscale data centers will be mitigated by ensuring that new facilities follow a "bring your own new clean energy" policy to support each facility's operation;
- vii) It is in the public interest to ensure transparency regarding data centers proposed, constructed, or developed in the State;
- viii) In addition to energy-related impacts, data centers also often consume substantial amounts of water, and have other types of land use and environmental quality impacts, as well as impacts on the communities in which they are located;
- ix) To ensure public confidence and participation in governmental decision-making, decisions by state and local agencies and authorities regarding proposed data centers require transparency in negotiations, contracts, incentive agreements, and potential impacts;
- x) Data centers may affect public revenues and economic development, including through tax incentives and job creation; and
- xi) The [INSERT REFERENCE TO STATE'S PUBLIC RECORDS DISCLOSURE LAW/FOIA ANOLOGUE, IF APPLICABLE] requires

disclosure of certain public records, but also allows agencies to withhold from disclosure certain records that may constitute trade secrets or proprietary confidential business information.

- b) The purpose of this Act is to mitigate the environmental, energy, and household affordability impacts of data centers by requiring that developers of new or expanded hyperscale data centers identify and procure their own new clean energy to serve their facility's electricity load, and to ensure that information regarding proposed data centers is available to the public, including by prohibiting nondisclosure agreements between developers and public officials or agencies.

3) Section 3. Definitions

Notwithstanding any other provision of law to the contrary, for purposes of this Act, the following definitions apply:

- a) "Agency" means any of the following:
 - i) A state agency, authority, department, board, commission, division, public benefit corporation, or other separate unit of state government created or established by law, including any unit thereof;
 - ii) A county, city, village, township, district, municipal corporation, or other political subdivision, including any unit thereof;
 - iii) An employee, officer, or elected or appointed official of any entity described in subparagraphs (i) or (ii) of this paragraph, while acting in their official capacity; or
 - iv) Anyone acting on behalf of any entity described in subparagraphs (i), (ii), or (iii) of this paragraph, including contractors.

- b) "Approved" or "Approval" means any permitting, siting, land use, COP, or other approval granted by:

- i) Any state agency, authority, department, board, commission, division public benefit corporation, or other separate unit of state government created or established by law, including any unit thereof; or
 - ii) Any county, city, village, township, district, municipal corporation, or other political subdivision, including any unit thereof.
- c) “Certificate of Operation” or “COP” means an approval issued to the developer of a hyperscale data center by the [PUBLIC UTILITY COMMISSION/OTHER AGENCY] pursuant to this Act, and to rules and rules and regulations promulgated thereunder, incorporating appropriate conditions and requirements regarding the construction, operation, and decommissioning of the hyperscale data center.
- d) “Clean Energy” means electricity generated by wind, solar, hydropower, geothermal, wave or tidal action, [nuclear], or fuel cells that are powered by neither a fossil resource nor fuels generated by combusting fossil resources, or another resource that does not result in air pollutant or greenhouse gas emissions from generation [OR CROSS-REFERENCE TO EXISTING STATE STATUTORY DEFINITION, IF APPLICABLE].
- e) “Clean Energy Hyperscale Data Center Tariff” means a tariff applicable to hyperscale data centers which allow data centers to fully pay all costs, bundled into their utility rates, associated with the addition of any Qualifying Energy to cover any portion or the entirety of their Covered Electrical Load.
- f) “Covered Electrical Load” means the total electric demand of a data center, expressed in megawatts, including but not limited to the electric demand for processing, storing, managing, and transmitting digital data or information; load for servers, network equipment and appliances, and related systems; and load for cooling, backup power, infrastructure performance management, environmental controls, and any ancillary systems.

- g) “Data Center” means a building, facility, campus, or group of facilities that has a projected or actual covered electrical load of at least one megawatt and meets the conditions of either subparagraph (i) or (ii) of this paragraph.
 - i) Meets all of following components:
 - (1) is primarily used to house, process, store, manage, or transmit digital data or information;
 - (2) is used to house computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, or data storage systems; and
 - (3) may incorporate additional supporting components, including but not limited to systems for monitoring and managing infrastructure performance, internet-related equipment and services, data connections, environmental controls, fire protection systems, and security systems and services.
 - ii) Is otherwise engaged in providing data processing, hosting, and related services as described under code 518210 of the 2022 North American Industry Classification System.
- h) “Data Center Commission” means the Interagency Commission for Data Center Planning established pursuant to this Act.
- i) “Developer” means any individual, corporation, limited liability company, joint venture, partnership, affiliate, or other entity that proposes, owns, operates, or seeks approval for a data center, including any agent or other individual acting on their behalf.
- j) “Distributed capacity” means any combination of energy resources on the distribution grid that can be aggregated to help meet a utility energy capacity requirement or electricity load, including energy storage, distributed generation, retail demand response programs, managed electric vehicle charging, smart thermostats and appliances, energy efficiency, hourly matching mechanisms, dynamic load management, virtual power plants that combine the resources listed in this section, or

such other energy resources as are determined by the [PUBLIC UTILITY COMMISSION OR OTHER APPROPRIATE REGULATORY AGENCY] to offer reliable system capacity.

- k) “Emergency” means an unplanned and involuntary interruption of utility electric service, or a condition posing an imminent risk to public health or safety that is documented and verified by the relevant electric utility.
- l) “Hyperscale Data Center” means a data center with a projected or actual covered electrical load of [20/XX] megawatts or more.
- m) “Nondisclosure agreement” or “NDA” means any agreement, provision, clause, or contractual term that has the purpose or effect of any of the following:
 - i) Restricting an agency from disclosing information about a potential data center to members of the public, including but not limited to information about the proposed data center’s location, siting, construction, energy demand and type, water usage, utility interconnection, and other potential community and environmental impacts from the data center;
 - ii) Deeming that the construction of a data center or other information about a data center is confidential;
 - iii) Prohibiting a party to the agreement from disclosing, discussing, describing, or commenting on the proposed construction, modification or expansion of a data center; or
 - iv) Requiring advance approval from the developer prior to an agency’s disclosure of information about a data center.
- n) “Power Purchase Agreement” means an agreement between a developer and a utility, an authority, or an independent power producer wherein the utility, authority, or independent power producer agrees to provide the data center a specified amount of clean energy over a defined time period of at least ten years.

- o) [“Priority Development Zones” means those areas identified by the Data Center Commission pursuant to Section 14 of this Act as priority locations for development of any hyperscale data centers.]
- p) “Qualifying Alternative Backup Power Source” means a source of backup power that has been determined by the [ENVIRONMENTAL REGULATORY AGENCY] to:
 - i) Be technically capable of providing backup power to support data center operations; and
 - ii) Does not emit air contaminants, as defined in [STATE AIR CODE] during a combustion process.
- q) “Qualifying Energy” refers to resources that meet the requirements of both subparagraph (i) and (ii) of this paragraph.
 - i) is one or more of the following types:
 - (1) verifiable new clean energy;
 - (2) behind-the-meter energy storage served by clean energy that is co-located on-site or immediately adjacent to the hyperscale data center; or
 - (3) distributed capacity that is additional, deliverable to the data center, and determined by the [PUBLIC UTILITY COMMISSION OR OTHER APPROPRIATE REGULATORY AGENCY] to meet emissions, reliability, and public interest objectives comparable to those met by the energy described in clauses (1) and (2) of this subparagraph.
 - ii) is procured through any combination of:
 - (1) resources directly owned by the developer of the hyperscale data center;
 - (2) a power purchase agreement, renewable energy credits for specific facilities that are retired specifically on behalf of the data center, or other comparable legal mechanism that the [PUBLIC UTILITY COMMISSION] determines is sufficient for ensuring the new clean energy is directly attributable to all or part of the hyperscale data center’s covered electrical load commitment; or

(3) a Clean Energy Hyperscale Data Center Tariff, developed by the utility at the discretion of the [PUBLIC UTILITY COMMISSION] and approved by the [PUBLIC UTILITY COMMISSION] as meeting the requirements of this Act.

- r) “Surplus interconnection” means the amount of interconnection capacity available at an existing interconnection point that is not currently being utilized by existing generation facilities and is not contractually committed to other generating facilities or load.
- s) “Verifiable New Clean Energy” means incremental, deliverable clean energy generation that, as determined by the [PUBLIC UTILITY COMMISSION], is additional to existing clean energy available or committed to the State at the time a developer seeks approval to build or expand the hyperscale data center, and is intended to serve, in whole or part, covered electrical load of the hyperscale data center proposed to be built or expanded.

4) Section 4. State Interagency Commission for Data Center Planning

- a) *Establishment of Interagency Commission for Data Center Planning* - There is hereby established an Interagency Commission for Data Center Planning (“Data Center Commission”). The Data Center Commission shall at all times consist of [13/XX] members, who shall be appointed pursuant to paragraph (b) of this section. All members shall serve for the duration of the Data Center Commission. Any vacancy shall be filled in the same manner in which the original appointment was made.
- b) *Members and Appointments to the Data Center Commission* - The Data Center Commission shall consist of the following individuals:
 - i) The [AGENCY HEAD] of the [ENVIRONMENTAL REGULATORY AGENCY] or the [AGENCY HEAD’s] designee, who shall also serve as Co-Chair of the Data Center Commission;

[DRAFTING NOTE - this should cover air permitting, water regulation, and other environmental impacts. In states where these functions are split among multiple regulatory agencies or other bodies, consider including more than one member]

- ii) The Chairperson of the [PUBLIC UTILITY COMMISSION] or the Chairperson's designee, who shall also serve as the Co-Chair of the Data Center Commission;
 - iii) [The {AGENCY HEAD} of the {STATE ENERGY DEPARTMENT, AUTHORITY OR OFFICE}];
[DRAFTING NOTE - in many states, this will be an appropriate and necessary addition. The overall number of appointees may need to be changed, such as by removing one of the other Governor appointees]
 - iv) The [AGENCY HEAD] of the [REVENUE AGENCY OR ECONOMIC DEVELOPMENT AGENCY] or the [AGENCY HEAD'S] designee;
 - v) Two additional members appointed by the Governor;
 - vi) Three members appointed by the [Senate Leader];
 - vii) Three members appointed by the [Assembly/House Leader];
 - viii) One member appointed by the [Senate minority]; and
 - ix) One member appointed by the [Assembly/House minority].
- c) *Qualifications of Data Center Appointments* - The Data Center Commission members appointed pursuant to subparagraphs (iv) through (viii) of paragraph (b) of this section shall have professional expertise regarding the construction, operation, regulation, workforce, or impacts of data centers, the electricity grid, or land use. All such members shall be a representative of one or more of the following types of groups, or possess expertise related to one or more of the following backgrounds:
- i) investor-owned utility companies or other entities that are an electric distribution utility serving customers within the State, including publicly owned power companies or electric cooperatives;
 - ii) [Grid operator or regional transmission organization];

- iii) Labor or workforce development;
- iv) Environmental organizations;
- v) Municipal government, including town, city, or county officials; or
- vi) Developers or other data center industry representatives.

d) *Conflicts of Interest* - Participation as a member of the Data Center Commission shall be subject to the following requirements regarding conflicts of interest:

- i) Except as provided for herein, no person may serve as a member of the Data Center Commission if they have an actual or perceived conflict of interest with the business of the Data Center Commission or with a state agency referenced in paragraph (b) of this section.
- ii) For purposes this paragraph, an actual or perceived conflict of interest means that the person, or an immediate family member, is an employee, contractor, attorney, or shareholder of a company in the data center, electric utility, electricity generation, or distributed capacity industries, or of another relevant company as determined by a vote of the Data Center Commission.
- iii) Each member of the Data Center Commission shall promptly disclose in writing to the Co-Chairs of the Commission any potential conflict of interest.
- iv) The Data Center Commission may, pursuant to a valid vote, elect to waive the provisions of this paragraph.

e) *Duties of the Data Center Commission* - The Data Center Commission shall, at a minimum, perform the following functions:

- i) Review existing and projected Statewide environmental and public health impacts from data center development, operation, and decommissioning, including but not limited to:
 - (1) Greenhouse gas and other air pollutant emissions, including from on-site electricity generation at data centers, as well as from changes in Statewide electricity demand or generation caused by data centers;

- (2) Water resources, including the amount, rate, and source of groundwater, surface water, or public water supplies used for cooling or to otherwise support data center operations;
- (3) Water discharges, including the amount of discharges from data centers, the temperature of such discharges, and potential contamination in such discharges;
- (4) Land use, including the amount of acreage and type of land utilized by data centers, whether and the extent to which farmland or prime soil types are impacted, and whether and the extent to which data centers are located on and redeveloping previously-disturbed lands;
- (5) Noise pollution, including decibel levels generated by the construction and operation of data centers, distances or setbacks required to ensure noise generated by data centers not exceed ambient levels, and methods to mitigate noise pollution;
- (6) Electronic waste, including the volume and type of electronic waste produced by data centers and the methods being used to dispose of or recycle electronic waste; and
- (7) Existing or anticipated disproportionate impacts on [disadvantaged or environmental justice] communities, including from the anticipated cumulative impacts of siting data centers in the State.

ii) Review existing and projected Statewide impacts on the electricity grid, including but not limited to:

- (1) The number, average and peak electricity demand, average and peak electricity consumption, and location of each data centers currently operating in the state;
- (2) The number, average and peak projected electricity demand, average and peak projected electricity consumption and location of all planned data centers, such as those actively seeking approval or for which there are pending requests in the [INTERCONNECTION QUEUE];
- (3) The overall Statewide electricity consumption by data centers in the State, expressed as the collective covered

- electrical load, and the projected statewide electricity consumption by all planned and currently operating data centers within each of the next [10] years;
- (4) The type of electricity generation sources currently utilized and projected to be relied upon to serve data centers' collective covered electrical load; and
 - (5) Any priority areas of the State for investment in transmission, distribution, distributed capacity, or generation, including areas of surplus interconnection, that may be implicated or facilitated by data center development.
- iii) Review existing and anticipated technologies for alternative backup power sources that may technologically and economically serve data centers, including alternatives that rely on noncombustion technology such as clean energy or energy storage, and that may serve as qualifying alternative backup power sources.
- iv) Review any existing state or local incentives related to data centers, including but not limited to:
- (1) Sales and use, property, income, or other tax credits or exemptions;
 - (2) Payment in lieu of taxes arrangements; and
 - (3) Discounts, subsidies, or special offerings for electricity supplied to serve a data center's covered electrical load;
- v) Review any existing state and local requirements regarding data center development, operation, and decommissioning, including but not limited to:
- (1) Permitting or approval requirements;
 - (2) Zoning or siting requirements;
 - (3) Environmental standards, including those related to air pollution, water use, water quality, noise, and waste;
 - (4) Energy standards, including those related to requirements for backup power generation; and

- (5) Financial standards, including those related to ensuring that proposed data centers are not speculative in nature and will have sufficient financial security for purposes of operation and decommissioning;
- vi) Within [12 months] of the effective date of this Act, and following a minimum 60-day public comment on a draft report, publish and deliver to the Governor and the Legislature a written report that includes, at a minimum:
 - (1) The results of the reviews conducted pursuant to subparagraphs (i) through (v) of this paragraph;
 - (2) Recommendations for legislative, regulatory, or other policy changes regarding such topics;
 - (3) Recommendations for minimum State or local environmental, energy, financial, land use, and other standards related to data center development, operation, and decommissioning; and
 - (4) Recommendations for specific geographical areas in the State that may be most suitable for data center development, from the perspective of minimizing environmental, electrical grid, public health, and [disadvantaged or environmental justice] community impacts, and maximizing public benefits.
- vii) Within [36 months] of the effective date of this Act, and following a minimum 60-day public comment on a draft report, publish and deliver to the Governor and the Legislature a written report regarding the implementation of this Act. Such report shall include, at a minimum:
 - (1) A summary of the status of implementation of the Act, including any rules or regulations required to implement its requirements;
 - (2) A review of the COP process established by this Act, and regulations promulgated thereunder, including any recommendations for improvement;

- (3) The number of data centers and hyperscale data centers approved in the State since the effective date of the Act, along with each data center's covered electrical load;
- (4) The number of hyperscale data centers that have received a COP since the effective date of this Act;
- (5) The total maximum capacity, in megawatts, of the covered electrical load of all hyperscale data centers in the State, regardless of the date they were approved;
- (6) The relative portion of Statewide hyperscale data center covered electrical load met by qualifying energy, separating such information between data centers approved before and after the effective date of the Act;
- (7) The relative change, since the effective date of the Act, in the total amount of greenhouse gas emissions attributable to the State's electricity grid due to the operation of hyperscale data centers, separating such information between data centers approved before and after the effective date of the Act;
- (8) The relative change, since the effective date of the Act, in the amount of clean energy generation supplied, as measured on an hourly basis, to the State's transmission and distribution system;
- (9) An update on the items included in the initial report required by subparagraph (v) of this paragraph; and
- (10) Any additional recommendations for State or local legislative, regulatory, or other policy changes to improve implementation of the Act or ensure the objectives of the Act are met.

- f) Powers of the Data Center Commission* - In performing the duties required by paragraph (d) of this section, the the Data Center Commission may:
- i) Request and receive information from state agencies or authorities, subject to existing requirements and protections pursuant to [RELEVANT PUBLIC RECORDS LAW];

- ii) Enter into contracts or agreements, including with third-parties to perform studies, analyses, or other appropriate services related to the duties of the Data Center Commission;
- iii) Establish rules and procedures for conducting the business of the Data Center Commission;
- iv) Form subcommittees or working groups for particular topic areas, and appoint individuals with appropriate qualifications to such subcommittees or working groups, regardless of whether such individuals are members of the Data Center Commission;
- v) Hold public hearings and receive public comment; and
- vi) Request the attendance or testimony of such witnesses or experts, and the production of such documents, as the Data Center Commission deems necessary to fulfill its duties.

g) Meetings and Processes of the Data Center Commission

- i) The Data Center Commission may conduct meetings at such places and times as it deems necessary or convenient to enable it to fully and effectively exercise its powers, perform its duties, or accomplish the objectives and purposes of this Act.
- ii) The Interagency Commission shall hold meetings at the call of a Co-Chairperson. A quorum for transacting business shall be a majority of the members of the Data Center Commission.
- iii) Meetings of the Data Center Commission at which it votes to publish reports, make recommendations, or take formal final actions shall be held pursuant to [RELEVANT OPEN MEETINGS LAW, IF APPLICABLE]. All other meetings of the Data Center Commission, and all meetings of any subcommittees or working groups of the Data Center Commission, may be held in a place and manner as determined by the Co-Chairs.

- h) *Compensation* - Members of the Data Center Commission, and any members of any subcommittees or working groups established by the Data Center Commission, shall receive no compensation for their services, but shall be reimbursed for actual and necessary expenses incurred as part of the performance of their duties.

- i) *Termination* - The Data Center Commission shall be terminated no sooner than [36] months after the effective date of this Act, or upon final publication of the report required by subparagraph (v) paragraph (e) of this Section, whichever is later, and upon a valid vote of its members.
- j) *Advisory Only* - Notwithstanding the provisions of this Section, and absent subsequent adoption pursuant to State or local law, regulation, legislation, or other legally required mechanism, the report and recommendations provided by the Data Center Commission pursuant to this Act shall not have the force or effect of law.

5) Section 5. Certificate of Operation for Data Centers

- a) Following the promulgation of rules and regulations as required by this Section, no developer or other person shall commence the construction or operation of a hyperscale data center without having applied for and obtained a certificate of operation (“COP”) from the [PUBLIC UTILITY COMMISSION/other agency]. Any COP shall be issued for a term not to exceed [five] years. For purposes of this Act, commencing the construction of a data center shall include any initiation of permanent physical on-site construction, including but not limited installing building supports or foundations and laying underground piping, or the beginning of site clearing, site preparation or grading activity.
- b) A developer’s receipt of or compliance with a COP for a data center shall not relieve the developer of any obligations to comply with otherwise applicable requirements of municipal zoning or other local law.
- c) In order to receive a COP for a proposed hyperscale data center, a developer shall demonstrate, and the [PUBLIC UTILITY COMMISSION /other agency] must find, the following:
 - i) That the hyperscale data center will operate in compliance with the energy requirements of Section 6 of this Act, including any rules and regulations promulgated pursuant thereto;

- ii) That the hyperscale data center will operate in compliance with the on-site backup power requirements of Section 8 of this Act, including any rules and regulations promulgated pursuant thereto;
 - iii) That the developer has provided all necessary energy disclosures required by Section 9 of this Act, including any rules and regulations promulgated pursuant thereto; and
 - iv) That the construction and operation of the hyperscale data center is consistent with the [statewide greenhouse gas emission reduction targets, with statutory reference, as applicable] and [the State's renewable energy/clean energy standard, with statutory reference, as applicable].
- d) In addition to ensuring that the requirements of paragraph (b) of this Section are met, in determining whether to issue, condition, or deny a COP for a proposed hyperscale data center, the [PUBLIC UTILITY COMMISSION/OTHER AGENCY] may consider without limitation the following factors:
- i) The need for and impact of the hyperscale data center, including but not limited to any impacts on the ability of the relevant utility to provide safe, adequate, and reliable electric service;
 - ii) The impact of granting the COP on the State's economy;
 - iii) The impact of granting the COP on electricity ratepayers and natural gas ratepayers of the relevant utilities;
 - iv) The extent to which the hyperscale data center precludes or limits the ability of future clean energy projects to utilize the same or nearby locations, interconnection points, or rights-of-way;
 - v) The extent to which the developer is committing to develop the hyperscale data center in a manner that allows for, utilizes, or otherwise facilitates the future construction of additional clean energy, surplus interconnection facilities, or other related infrastructure, including those by other companies or developers; and
 - vi) The impact of the hyperscale data center on the health, safety, and welfare of the general public.

- e) The [PUBLIC UTILITY COMMISSION/other agency] shall, within [12 months] following the effective date of this Act, and following a public comment period of at least [60 days] with at least [two] public hearings, promulgate rules and regulations as may be necessary to implement this Section. Such rules and regulations may include:
- i) The required form and content of applications for a COP;
 - ii) The process for reviewing, issuing, or denying an application for a COP;
 - iii) The process for considering applications to renew, modify, or extend COPs, including upon the expiration of a COP's term;
 - iv) The establishment of an application fee that may be required to accompany an application for a COP, which may be calculated based on the hyperscale data center's covered electrical load;
 - v) A process for administrative rehearing or reconsideration of decisions, prior to COP decisions becoming final actions subject to judicial review pursuant to [standard provisions for judicial review of final agency actions];
 - vi) A process for holding public comment hearings or administrative hearings regarding proposed projects, including requirements for participation by third-parties in any such administrative hearings;
 - vii) The timeline for making determinations on complete applications for COPs, including provisions for extending such timelines upon mutual agreement with the developer or as is necessary to obtain information, ensure adequate review, or provide for public input;
 - viii) [An expedited process or other procedural incentives for hyperscale data centers proposed to be located in priority development zones as identified pursuant to section 14 of this Act;]
 - ix) The procedure for transferring a COP from one developer to another person or entity, which may require prior approval of the [PUBLIC UTILITY COMMISSION/other agency] and may consider the demonstrated experience, expertise, viability, compliance, and other relevant factors of the intended transferee or its affiliates, partners, or parent companies;

- x) Requirements for financial security to ensure the long-term viability of the developer, including for purposes of decommissioning; and
 - xi) Any other measures recommended by the Data Center Commission or otherwise deemed necessary and appropriate for the purposes of implementing the Act or ensuring its objectives are met.
- f) Prior to issuing any final decision on a complete application for a COP, the [PUBLIC UTILITY COMMISSION/other agency] shall:
- i) Ensure public notice of the application is provided to, at a minimum, the following entities:
 - (1) The Data Center Commission, if the complete application is received prior to the termination of such Commission;
 - (2) The local county or counties and municipality or municipalities in which the hyperscale data center is proposed to be located, including any relevant water or sewer districts;
 - (3) The [ENVIRONMENTAL REGULATORY AGENCY OR AGENCIES];
 - (4) The relevant electric utility or supplier of electricity;
 - (5) The [ISO/RTO];
 - (6) Landowners located within [xxx distance] of the proposed hyperscale data center;
 - (7) Local news outlets serving the affected community; and
 - (8) Any other parties the [PUBLIC UTILITY COMMISSION/other agency] determines is necessary.
 - ii) Provide for a public comment period on the complete application of at least [30] days;
 - iii) Provide a written response to all substantive and relevant comments received during the public comment period; and
 - iv) Issue written findings that support the decision to deny, issue, or condition a COP, including but not limited to the [PUBLIC UTILITY COMMISSION's/other agency's] findings regarding the proposed data center's compliance with Sections 6, 8, and 9 of the Act and

with relevant rules and regulations promulgated pursuant to the Act.

- g) All complete applications for COPs shall be made available to the public as soon as practicable on the [PUBLIC UTILITY COMMISSION]'s website, unless any information contained in the application may be withheld from public disclosure pursuant to [INSERT RELEVANT FOIA/PUBLIC RECORDS EXCEPTION FOR PROPRIETARY INFORMATION, IF APPLICABLE], in which case the [PUBLIC UTILITY COMMISSION] may redact only those portions of the application covered by the exception.

6) Section 6. Energy Requirements for New and Expanded Data Centers

- a) Following the final promulgation of the regulations required by Section 5 of this Act by the [PUBLIC UTILITY COMMISSION/other agency], or the date [12 months] subsequent to the effective date of this Act, whichever is earlier, the following provisions apply:
 - i) For any and all hyperscale data centers approved, all electricity supplied to or utilized by the hyperscale data center, as measured on an hourly basis, shall be derived from qualifying energy;
 - ii) For any expansion to an existing data center that increases its covered electrical load by a total of [20/xx] megawatts or more, all electricity supplied to or utilized by the hyperscale data center, as measured on an hourly basis, shall be derived from qualifying energy; and
 - iii) The requirements of this paragraph shall not apply as provided in Section 8 of this Act or in paragraph (e) of this Section.
- b) Within [12 months] of the effective date of this Act, the [PUBLIC UTILITY COMMISSION], in consultation with the [ENVIRONMENTAL REGULATORY AGENCY], shall establish procedures or methodologies to ensure that no hyperscale data center's operation results in a net increase of the total amount of greenhouse gas emissions attributable to the State's electricity grid or to data centers located within the State.

- c) Within [12 months] of the effective date of this Act, the [PUBLIC UTILITY COMMISSION] shall establish procedures or methodologies to ensure that no hyperscale data center's operation results in a net decrease in the amount of clean energy generation supplied, as measured on an hourly basis, to the State's transmission and distribution system.
- d) For any hyperscale data center approved on or after the date [12 months] subsequent to the effective date of this Act, or following the final promulgation of the regulations required by Section 5 of this Act by the [PUBLIC UTILITY COMMISSION/other agency], whichever is earlier, the following provisions apply
 - i) The developer of the hyperscale data center shall pay all costs associated with the addition of the qualifying energy to serve the hyperscale data center, including all costs of interconnection and grid upgrades and of any necessary upgrades to the natural gas distribution system;
 - ii) The [PUBLIC UTILITY COMMISSION] shall prohibit the relevant utility from shifting costs from developers of hyperscale data centers to other utility customers that are not data center developers; and
 - iii) The requirements of this paragraph also apply to any expansion to an existing data center that increases its covered electrical load by [20/XX] megawatts or more.
- e) *Flexible Interconnection Approach* - To the extent the [PUBLIC UTILITY COMMISSION] finds it necessary in order to ensure the safe, adequate, and reliable provision of electricity to existing customers in the State, the [PUBLIC UTILITY COMMISSION] may adopt a flexible interconnection approach that allows approval of a hyperscale data center that does not meet the requirements of paragraph (a) of this section, provided that, at a minimum, the flexible interconnection approach:
 - i) Includes a phase-in period of no more than [48 months], during which at least half of electricity supplied to the hyperscale data center shall be derived from qualifying energy;

- ii) Requires that, after the expiration of any phase-in period, if the hyperscale data center does not fully comply with the requirements of paragraph (a) of this section, then the [PUBLIC UTILITY COMMISSION] shall impose daily fines, which may escalate;
- iii) Requires hyperscale data centers to connect to the electricity grid on a non-firm basis for any portion of its covered electrical load that is not backed by qualifying energy;
- iv) Requires the hyperscale data center to contract with the relevant utility to reduce or defer such portion of its covered electrical load when called upon by the utility during times of peak grid stress or other clearly defined conditions; and
- v) Allows for time-matched, demand response, virtual power plant, or other mechanisms that are not otherwise offered by the relevant utility and that reduces load at the hyperscale data center's own facility or results in system-wide load reduction.

7) Section 7. Authorization for Rulemaking and Tariffs

- a) In addition to the explicit directives and authority contained in this Act, the [PUBLIC UTILITY COMMISSION] and [ENVIRONMENTAL REGULATORY AGENCY] is authorized to adopt rules and regulations as may be necessary and appropriate to ensure effective implementation of the Act
- b) Should the [PUBLIC UTILITY COMMISSION] determine that any type of qualifying energy can be effectively provided through utility clean energy hyperscale data center tariffs, then the [PUBLIC UTILITY COMMISSION] may commence proceedings to develop such tariffs.
- c) In the event the conditions described in paragraph (b) of this Section are met, then, within [18 months] of the effective date of this Act, the [PUBLIC UTILITY COMMISSION] shall require each utility to offer a clean energy hyperscale data center tariff. Such tariffs shall be subject to

approval by the [PUBLIC UTILITY COMMISSION] and include conditions necessary to ensure that hyperscale data centers meet the Act's requirements. Such tariffs may include, but need not be limited to, the following components:

- i) a requirement for a special contract between the utility and the developer of the hyperscale data center;
- ii) permission to serve some or all of the hyperscale data center's covered electrical load through qualifying energy, as long as reliability is maintained;
- iii) a requirement for the hyperscale data center to provide qualifying energy at least equal to the portion of the facility's maximum covered electrical load that is not served by qualifying energy from the utility;
- iv) a requirement for the hyperscale data center to be subject to mandatory load flexibility; and
- v) provisions for energy efficiency, time-matching, demand response, virtual power plant, or other appropriate demand-side measures.

8) Section 8. Requirements for On-Site Backup Power Sources

- a) Except as provided in this Section, on-site combustion of fossil fuels, for purposes of primary or backup power generation to support a data center's covered electrical load, is prohibited.
- b) To the maximum extent technically and economically feasible, any on-site backup power serving a data center shall rely on clean energy or energy storage or otherwise be a qualifying alternative backup power source.
- c) Notwithstanding any other provision of this Act, an on-site backup power source for a data center may rely on combustion-based backup power generation sources for limited purposes, if and only if the developer has evaluated and deployed noncombustion alternatives to the maximum extent practicable, including any recommendations made by the Data

Center Commission regarding qualifying alternative backup power sources.

- d) In the event a hyperscale data center demonstrates that a generator utilizing combustion is required for on-site backup power, then the combustion generator must meet all of the following requirements:
 - i) operate only during an emergency, or for required testing and maintenance;
 - ii) operate for no more than [50/XX] hours per calendar year for required testing and maintenance;
 - iii) not be located in a nonattainment zone for any criteria pollutant;
 - iv) not be used for routine peak shaving, economic dispatch, capacity or ancillary service markets, or any nonemergency grid support;
 - v) If utilizing diesel, utilize only ultra-low sulfur diesel, and not exceed the emission rates for particulate matter and nitrogen oxides required for backup diesel generation by Tier 4 standards for non-road diesel engines set out by the United States Environmental Protection Agency in 40 CFR 1039, or by other applicable emission standards established by the [ENVIRONMENTAL REGULATORY AGENCY] pursuant to state law;
 - vi) If utilizing natural gas:
 - (1) Meet all applicable emission standards as established by EPA as well as any other applicable emission standards established by the [ENVIRONMENTAL REGULATORY AGENCY] pursuant to state law;
 - (2) Utilize the best available methane leak detection and repair practices and prohibit routine venting or bypassing of emissions controls; and
 - vii) Employ best available control technology, as determined by the [ENVIRONMENTAL REGULATORY AGENCY].

9) Section 9. Energy Disclosure Reports and Transparency

- a) Within [12 months] of the effective date of this Act, the [PUBLIC UTILITY COMMISSION] shall establish rules and regulations requiring developers of new or expanded hyperscale data centers to provide to the Commission, prior to any COP or other approval, an energy disclosure report.
- b) The energy disclosure report shall, at a minimum, contain the following information with respect to the proposed hyperscale data center:
 - i) Relevant energy and electricity usage figures calculated on an hourly, daily, monthly, and annual basis, including but not limited to:
 - (1) Projected average and maximum electricity demand as measured in megawatts or gigawatts, as appropriate;
 - (2) Projected average and maximum electricity consumption, as measured in megawatt-hours or gigawatt-hours, as appropriate; and
 - (3) Projected average and maximum consumption of fuels used to power qualifying backup generation, if applicable.
 - ii) The types of qualifying energy intended to be utilized by the proposed data center, including the relative portion of the data center's covered electrical load that is anticipated to be met by verifiable clean energy, behind-the meter energy storage that is co-located on-site of the hyperscale data center, and other types of qualifying energy;
 - iii) The forms and sources of any verifiable clean energy intended to be utilized by the proposed data center, including the relative portion of the verifiable clean energy that is behind-the-meter and co-located on-site of the hyperscale data center, derived from generation resources directly owned by the developer, and secured through a power purchase agreement or other comparable legal mechanism; and
 - iv) A copy of any power purchase agreement with appropriate redaction of any proprietary information, along with at a minimum a summary of the nature of any power purchase agreement, including the term of the agreement, the counterparty to the agreement, and the amount of electricity subject to the agreement.

- c) All energy disclosure reports shall be made available to the public as soon as practicable on the [PUBLIC UTILITY COMMISSION]'s website. Any information contained in the report may be withheld from public disclosure pursuant to [INSERT RELEVANT FOIA/PUBLIC RECORDS EXCEPTION FOR PROPRIETARY INFORMATION, IF APPLICABLE], in which case the [PUBLIC UTILITY COMMISSION] may redact only those portions of the energy disclosure report covered by the exception.
- d) The [PUBLIC UTILITY COMMISSION] may require developers to update their energy disclosure report on a periodic basis, following approval and commencement of operation of a hyperscale data center.

10) Section 10. Prohibition on Nondisclosure Agreements

- a) Notwithstanding any provision of law to the contrary, an agency shall not enter into a nondisclosure agreement with a developer regarding a data center, including but not limited to a potential data center, a data center for which the developer is seeking approval from the agency, or a data center under construction or in operation.
- b) Any nondisclosure agreement, or other agreement, contract, clause, or provision, entered into in violation of this Act subsequent to the effective date of this Act, is against public policy and is void and unenforceable. For purposes of this paragraph, severability shall apply, such that any portion of the agreement that is not in violation of this Act shall remain in effect and enforceable.
- c) No agency shall approve, issue, or grant any COP, license, permit, certification, zoning approval, tax incentive, or other authorization for a data center if the developer has entered into an NDA prohibited by this Act unless said NDA has been rescinded.

11) Section 11. Public Records Regarding Data Centers

- a) Nothing in this Act shall be construed as limiting or diminishing public access to records of an agency pursuant to [INSERT REFERENCE TO STATE'S PUBLIC RECORDS LAW/FOIA EQUIVALENT, IF APPLICABLE].
- b) Information concerning a data center that is subject to disclosure under [INSERT REFERENCE TO STATE'S PUBLIC RECORDS LAW/FOIA EQUIVALENT, IF APPLICABLE] shall not be withheld by an agency on the basis of any NDA prohibited by this Act.
- c) Nothing in this Act shall be construed as modifying, expanding, or creating exemptions under [INSERT REFERENCE TO STATE'S PUBLIC RECORDS LAW/FOIA EQUIVALENT, IF APPLICABLE], including but not limited to provisions that allow an agency to withhold from disclosure information that may constitute trade secrets, proprietary information, or confidential business information.

12) Section 12. Limited Exemption from Utility Obligation to Serve

Notwithstanding [SECTION XX OF THE RELEVANT PUBLIC SERVICE OR UTILITY LAW THAT REQUIRES UTILITIES TO PROVIDE SAFE AND ADEQUATE ELECTRIC SERVICE, AS APPLICABLE] or any other law to the contrary, a utility shall have no obligation to extend electrical service, interconnect, or supply electrical energy to any new or expanded hyperscale data center that does not meet the requirements of this Act, or the requirements of any rules and regulations promulgated thereunder, including but not limited to the requirement for the hyperscale data center to derive all energy for its covered electrical load from qualifying energy.

13) Section 13. Enforcement

- a) Any violation of this Act, or of rules and regulations promulgated by the [PUBLIC UTILITY COMMISSION] pursuant to this Act, shall be a civil

violation enforceable in the same manner as [REFERENCE TO EXISTING PUBLIC SERVICE LAW ENFORCEMENT PROVISIONS, AS APPLICABLE].

- b) In addition to any monetary penalties or other actions pursuant to subsection (a) of this section, if the [PUBLIC UTILITY COMMISSION] determines that an approval for a data center was issued in violation of this Act, or of rules and regulations promulgated by the [PUBLIC UTILITY COMMISSION] pursuant to this Act, the Commission may commence a proceeding before the [COMMISSION] or a court, to take appropriate action with respect to the data center, which may include revocation or suspension of a COP or other relevant approvals to the extent permitted by existing law and subject to existing procedures for revocation or suspension of such approval.
- c) The [PUBLIC UTILITY COMMISSION] is authorized to investigate, audit, and otherwise evaluate a hyperscale data center's compliance with this Act, and of rules and regulations promulgated pursuant to the Act.

14) [Optional Section] Section 14. Priority Development Zones

- a) In addition to the activities required by Section 4 of this Act, the Data Center Commission shall, within [24/xx] months of the effective date of this Act and in consultation with the [STATE ENERGY AGENCY/AUTHORITY], identify Priority Development Zones within the State for hyperscale data centers.
- b) In identifying priority development zones, the Data Center Commission shall consider the following factors:
 - i) the availability of surplus interconnection at the site, particularly alongside natural conditions at the site that are favorable to clean energy generation to support a hyperscale data center;
 - ii) The availability of any state or publicly-owned land, particularly alongside areas of surplus interconnection or at sites that are

- favorable to clean energy generation to support a hyperscale data center;
 - iii) subsurface geologic conditions that would make the site suitable for geothermal energy development, particularly enhanced geothermal systems utilizing horizontal drilling techniques;
 - iv) existing thermal energy networks or industrial sites that offer a potential offtaker for waste heat from the hyperscale data center;
 - v) the potential for the development of energy storage facilities at or near the site;
 - vi) the availability of potential nearby distributed capacity;
 - vii) the location of previously identified corridors in transmission needs assessments;
 - viii) current land uses at or near the site; and
 - ix) the location of environmental justice or disadvantaged communities at or near the site.
- c) In identifying priority development zones within the State, the Data Center Commission shall give first priority to previously developed sites, existing or abandoned commercial sites, including without limitation brownfields, landfills, former commercial or industrial sites, dormant electric generating sites, or otherwise underutilized sites.
- d) For those sites identified as priority development zones, the Data Center Commission shall:
- i) thoroughly describe the technical potential for on-site or adjacent qualifying energy or waste heat reuse for which the site is being selected, including a qualitative and quantitative description of appurtenant clean energy infrastructure required to realize that technical potential;
 - ii) quantify a minimum amount of potential on-site or adjacent qualifying energy, in megawatts or megawatt-hours, or waste heat reuse potential, in gigajoules, or thermal megawatt-hours for which the site is designated; and
 - iii) Quantify the maximum covered electrical load for a potential hyperscale data center for which the site is suitable, which shall

not be more than [200%] of the sum of potential qualifying energy or waste heat reuse potential.

- e) The [STATE ENERGY AGENCY/AUTHORITY] is hereby authorized and directed to provide assistance and support to the Data Center Commission in support of evaluating, identifying, assessing, and developing priority development zones pursuant to this Section. Such actions may include, but are not limited to, the following:
- i) Review and select priority development zone sites in consultation with the Data Center Commission;
 - ii) Establish procedures and protocols for the purpose of notifying municipalities in which a potential priority development zone is located, and for preliminarily screening sites for potential impacts to environmental justice or disadvantaged communities;
 - iii) Undertake appropriate work to prepare or secure relevant permits or approvals for a priority development zone, including for appurtenant clean energy infrastructure required to realize the site's qualifying energy generation, energy storage, or waste heat reuse potential;
 - iv) Procure or transfer any appropriate land areas or real property rights necessary to support clean energy infrastructure;
 - v) Establish a process for noticing and competitively bidding priority development zones for developers;
 - vi) Establish additional minimum standards for developers to utilize priority development zone sites for hyperscale data centers, which may include eligibility and other criteria, such as environmental, energy, or other standards that are in addition to or more stringent than those established by this Act or by rules and regulations promulgated thereunder;
 - vii) Procure the services of one or more service providers, including without limitation environmental consultants, engineers and attorneys, to support the [STATE ENERGY AGENCY'S] responsibilities under this section and perform such other functions as the [STATE ENERGY AGENCY] deems appropriate; and
 - viii) Request and receive the assistance of the departments or any other state agency or authority, within their respective relevant

subject matter expertise, to support the administration of this Section.

- f) Notwithstanding the provisions of this section, a developer may construct a data center in locations other than priority development zones, provided that they meet all other applicable requirements of this Act and of regulations promulgated thereunder.

15) Section 15. Temporary Moratorium

- a) Except as provided in paragraph (b) of this Section, unless and until the rules and regulations required by Section 5 are finally promulgated by the [PUBLIC UTILITY COMMISSION], or until the date [12 months] after the effective date of this Act, whichever is earlier, no developer or other person may construct or operate any new or expanded hyperscale data center.
- b) A developer who received all necessary approvals for the construction and operation of a data center prior to the effective date of this Act shall not be subject to the moratorium established in paragraph (a) of this Section for purposes of such data center.

16) Section 16. Preservation of Local Authority

- a) The requirements established by this Act, and by the rules and regulations promulgated pursuant thereto, shall constitute the minimum standards and requirements with respect to data centers.
- b) Notwithstanding any other provision of state law, a county, city, village, township, district, municipal corporation, local government, or other political subdivision may adopt or enforce any local law, ordinance, rule, or regulation with respect to data centers that is more protective,

stringent, or comprehensive than the standards or requirements established by this Act.

- c) Nothing in this Act shall be construed to preempt, prohibit, or otherwise limit any local law, ordinance, rule, or regulation that provides standards or requirements regarding data centers that are equal to or more stringent than those established by this Act, or in rules or regulations promulgated pursuant thereto.

17) Section 17. Severability

If any provision of this Act, rules and regulations promulgated thereunder, or the application thereof, is held to be invalid or unlawful by a court of component jurisdiction, the remainder of the Act, and of any such rules and regulations, shall remain in full force and effect.

18) Section 18. Effective Date

This Act shall take effect immediately, and shall apply to any approvals or agreements entered into, issued, extended, modified, or renewed on or after the effective date.