

STATE OF NEW YORK

10321

IN ASSEMBLY

February 20, 2026

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

AN ACT to amend the public service law and the executive law, in relation to requiring financial security for reclamation for solar and wind electric generating systems

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

1 Section 1. The public service law is amended by adding a new section
2 66-x to read as follows:

3 § 66-x. Financial security for reclamation for solar and wind electric
4 generating systems. 1. Before the commission may issue a permit or find
5 a solar or wind electric generating system in compliance with any terms
6 and conditions set forth in any permit already issued, the applicant
7 shall furnish financial security to ensure the performance of reclama-
8 tion as provided in the approved plan for a solar or wind electric
9 generating system and naming the state as beneficiary. Financial securi-
10 ty shall be in the form of a bond from a corporate surety licensed to do
11 business as such in the state or any other form the commission deems
12 acceptable. Any interest accruing as a result of such security shall be
13 the exclusive property of the permittee.

14 2. The commission shall determine the amount, condition, and terms of
15 the financial security. The amount shall be based upon the estimated
16 cost of reclaiming the affected land, which shall be based on informa-
17 tion contained in the permit application and upon such information as an
18 investigation by the commission may disclose.

19 3. The financial security shall remain in full force and effect until
20 the commission has approved the reclamation. At the discretion of the
21 commission, the permittee may secure the release of that portion of the
22 financial security for affected land on which reclamation has been
23 completed and approved by the commission.

24 4. If the financial security shall for any reason be cancelled, within
25 thirty days after receiving notice thereof, the permittee shall provide
26 a valid replacement under the same conditions as described in this
27 section. Failure to provide a replacement bond within such period may,

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

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1 at the discretion of the commission, result in the immediate suspension
2 of the permit.

3 5. If a permit is suspended or revoked, the commission may require the
4 permittee to commence reclamation upon thirty days notice.

5 6. If the permittee fails to commence or to complete the reclamation
6 as required, the commission may attach the financial security furnished
7 by the permittee. In any event, the full cost of completing reclamation
8 shall be the personal liability of the permittee and/or the person
9 owning or operating the solar or wind electric generating system and the
10 commission, acting by the attorney general, may bring suit to recover
11 all costs to secure the reclamation not covered by the financial securi-
12 ty. The materials, machinery, implements and tools of every description
13 which may be found at the solar or wind electric generating system site,
14 or other assets of the permittee and/or the person owning or operating
15 the solar or wind electric generating system shall be subject to a lien
16 of the commission for the amount expended for reclamation of affected
17 lands and shall not be removed without the written consent of the
18 commission. Such lien may be foreclosed by the attorney general in the
19 same manner as a mechanic's lien.

20 7. Political subdivisions, municipalities, the United States and any
21 of its agencies and agencies of the state shall be exempt from the
22 requirements of this section.

23 § 2. The executive law is amended by adding a new section 94-c to read
24 as follows:

25 § 94-c. Financial security for reclamation for solar and wind electric
26 generating systems. 1. Before the office may issue a siting permit for a
27 solar or wind electric generating system or find a solar or wind elec-
28 tric generating system in compliance with any terms and conditions set
29 forth in any siting permit already issued, the applicant shall furnish
30 financial security to ensure the performance of reclamation as provided
31 in the approved pre-application public involvement program plan for a
32 solar or wind electric generating system and naming the state as benefi-
33 ciary. Financial security shall be in the form of a bond from a corpo-
34 rate surety licensed to do business as such in the state or any other
35 form the office deems acceptable. Any interest accruing as a result of
36 such security shall be the exclusive property of the permittee.

37 2. The office shall determine the amount, condition, and terms of the
38 financial security. The amount shall be based upon the estimated cost of
39 reclaiming the affected land, which shall be based on information
40 contained in the siting permit application and upon such information as
41 an investigation by the office may disclose.

42 3. The financial security shall remain in full force and effect until
43 the office has approved the reclamation. At the discretion of the
44 office, the permittee may secure the release of that portion of the
45 financial security for affected land on which reclamation has been
46 completed and approved by the office.

47 4. If the financial security shall for any reason be cancelled, within
48 thirty days after receiving notice thereof, the permittee shall provide
49 a valid replacement under the same conditions as described in this
50 section. Failure to provide a replacement bond within such period may,
51 at the discretion of the office, result in the immediate suspension of
52 the siting permit.

53 5. If a siting permit is suspended or revoked, the office may require
54 the permittee to commence reclamation upon thirty days notice.

55 6. If the permittee fails to commence or to complete the reclamation
56 as required, the office may attach the financial security furnished by

1 the permittee. In any event, the full cost of completing reclamation
2 shall be the personal liability of the permittee and/or the person
3 owning or operating the solar or wind electric generating system and the
4 office, acting by the attorney general, may bring suit to recover all
5 costs to secure the reclamation not covered by the financial security.
6 The materials, machinery, implements and tools of every description
7 which may be found at the solar or wind electric generating system site,
8 or other assets of the permittee and/or the person owning or operating
9 the solar or wind electric generating system shall be subject to a lien
10 of the office for the amount expended for reclamation of affected lands
11 and shall not be removed without the written consent of the office. Such
12 lien may be foreclosed by the attorney general in the same manner as a
13 mechanic's lien.

14 7. Political subdivisions, municipalities, the United States and any
15 of its agencies and agencies of the state shall be exempt from the
16 requirements of this section.

17 § 3. This act shall take effect on the one hundred eightieth day after
18 it shall have become a law. Effective immediately, the addition, amend-
19 ment and/or repeal of any rule or regulation necessary for the implemen-
20 tation of this act on its effective date are authorized to be made and
21 completed on or before such effective date.