STATE OF NEW YORK

4508

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. CUNNINGHAM -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public service law, in relation to allowing for municipal enforcement of the New York state uniform fire prevention and building code and to the disbursement of intervenor funds under the major renewable energy development program

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

Section 1. Section 144 of the public service law is amended by adding a new subdivision 5 to read as follows:

5. This article shall not impair or abrogate municipal enforcement of the New York state uniform fire prevention and building code under section three hundred eighty-one of the executive law.

§ 2. Subdivision 2 of section 145 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

2. Such fee is to be deposited in an account to be known as the local agency account established by subdivision seven of former section ninety-four-c of the executive law for the benefit of local agencies and community intervenors by the New York state energy research and development authority and maintained in a segregated account in the custody of the commissioner of taxation and finance. ORES, in consultation with the department, may update the fee periodically solely to account for inflation. The proceeds of such account shall be disbursed by the office of renewable energy siting and electric transmissions, in accordance with eligibility and procedures established by the rules and regulations promulgated by ORES or the department pursuant to this article or in effect as of the effective date of this article, for the participation of local agencies and community intervenors in public comment periods [~~or~~], hearing procedures**, and compliance filings** established by this article, including the rules and regulations promulgated hereto;

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

LBD08035-01-5

provided that fees must be disbursed for municipalities, political subdivisions or an agency thereof, to determine whether a proposed project is designed to be sited, constructed and operated in compliance with the applicable local laws and regulations. **Such proceeds may also be disbursed to reimburse any expenses incurred in connection with pre-application activities occurring no earlier than ninety days prior to the submission of such application to the office. Expenses eligible for reimbursement shall include, but are not limited to, expert witness, consultant, administrative and legal fees. For the avoidance of doubt, any proceeds disbursed pursuant to this subdivision shall not be used in connection with judicial review or litigation.**

§ 3. This act shall take effect immediately; and provided, however, that the amendments to sections 144 and 145 of the public service law made by sections one and two of this act shall not affect the repeal of such sections and shall be deemed repealed therewith.