S T A T E O F N E W Y O R K

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2015-2016 Regular Sessions

I N A S S E M B L Y

June 10, 2015

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law and the public service law, in relation to directing the New York state energy research and development authority to establish and implement regulations authorizing certain certified installers to offer additional incentives under the New York sun solar electric incentive program

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The public authorities law is amended by adding a new section 1854-e to read as follows:

S 1854-E. NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM; ADDITIONAL INCENTIVES. 1. DEFINITIONS. AS USED IN THIS SECTION:

(A) "DISABLED" SHALL MEAN HAVING A DISABILITY AS DEFINED IN SUBDIVISION TWENTY-ONE OF SECTION TWO HUNDRED NINETY-TWO OF THE EXECUTIVE LAW.

(B) "DISABLED-OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR CORPORATION THAT IS:

(I) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE DISABLED GROUP MEMBERS;

(II) AN ENTERPRISE IN WHICH SUCH DISABLED OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING;

(III) AN ENTERPRISE IN WHICH SUCH DISABLED OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL INDEPENDENTLY THE DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE; AND

(IV) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED.

(C) "MINORITY-OWNED BUSINESS ENTERPRISE" SHALL MEAN SUCH TERM AS DEFINED IN SUBDIVISION SEVEN OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW.

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

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(D) "QUALIFIED CONTRACTOR" SHALL MEAN A DISABLED-OWNED BUSINESS ENTERPRISE, A MINORITY-OWNED BUSINESS ENTERPRISE, A VETERAN-OWNED BUSINESS ENTERPRISE OR A WOMEN-OWNED BUSINESS ENTERPRISE, THAT HAS BEEN IN OPERATION FOR A PERIOD OF NOT LESS THAN ONE YEAR.

(E) "VETERAN" SHALL MEAN A PERSON WHO:

(I) (A) HAS BEEN IN THE ACTIVE MILITARY SERVICE OF THE UNITED STATES, AS DEFINED IN SUBDIVISION EIGHT OF SECTION ONE OF THE MILITARY LAW;

(B) HAS SERVED ON FULL-TIME ACTIVE DUTY IN A FORCE OF THE ORGANIZED MILITIA, AS DEFINED IN SUBDIVISION NINE OF SECTION ONE OF THE MILITARY LAW, OR IN ANY SIMILAR FORCE ESTABLISHED BY ANOTHER STATE OF THE UNITED STATES; OR

(C) HAS SERVED ON FULL TIME ACTIVE DUTY WHILE IN THE UNITED STATES ARMY RESERVE, NAVY RESERVE, MARINE CORPS RESERVE, AIR FORCE RESERVE OR COAST GUARD RESERVE; AND

(II) HAS RECEIVED AN HONORABLE OR GENERAL DISCHARGE FROM SUCH SERVICE.

(F) "VETERAN-OWNED BUSINESS ENTERPRISE" SHALL MEAN A BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, LIMITED LIABILITY COMPANY OR CORPORATION THAT IS:

(I) AT LEAST FIFTY-ONE PERCENT OWNED BY ONE OR MORE GROUP MEMBERS WHO ARE VETERANS;

(II) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP IS REAL, SUBSTANTIAL AND CONTINUING;

(III) AN ENTERPRISE IN WHICH SUCH VETERAN OWNERSHIP HAS AND EXERCISES THE AUTHORITY TO CONTROL DAY-TO-DAY BUSINESS DECISIONS OF THE ENTERPRISE; AND

(IV) AN ENTERPRISE AUTHORIZED TO DO BUSINESS IN THIS STATE AND INDEPENDENTLY OWNED AND OPERATED.

(G) "WOMEN-OWNED BUSINESS ENTERPRISE" SHALL MEAN SUCH TERM AS DEFINED IN SUBDIVISION FIFTEEN OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW.

2. AS PART OF ITS IMPLEMENTATION OF THE NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM, THE AUTHORITY SHALL PROMULGATE AND IMPLEMENT RULES AND REGULATIONS WHICH PROVIDE ENHANCED BENEFITS AND INCENTIVES TO THE CUSTOMERS OF CERTIFIED INSTALLERS THAT ARE QUALIFIED CONTRACTORS. SUCH ENHANCED INCENTIVES SHALL APPLY TO NOT MORE THAN SIXTY INSTALLATIONS DURING A CALENDAR YEAR BY ANY INDIVIDUAL QUALIFIED CONTRACTOR. FURTHERMORE, NO QUALIFIED CONTRACTOR SHALL RECEIVE COMPENSATION OR REIMBURSEMENT, IN ANY FORM, FOR THE PERFORMANCE OF ANY PROJECT, FOR WHICH ENHANCED BENEFITS ARE PROVIDED PURSUANT TO THIS SECTION, FROM ANY PERSON OR ENTITY THAT IS NOT A QUALIFIED CONTRACTOR. SUCH RULES AND REGULATIONS SHALL APPLY STATEWIDE INCLUDING TO THE PUBLIC SERVICE ENTERPRISE GROUP - LONG ISLAND IN ITS SERVICE AREA.

3. THE AUTHORITY SHALL ESTABLISH AND PROVIDE FOR AN ADDITIONAL SIXTY CENTS PER NAMEPLATE RATED WATT TO CUSTOMERS OF CERTIFIED INSTALLERS THAT ARE QUALIFIED CONTRACTORS.

4. THE AUTHORITY AND THE PUBLIC SERVICE ENTERPRISE GROUP - LONG ISLAND SHALL, IN ALL WRITTEN AND ELECTRONIC MEDIA CONTROLLED THEREBY, PROVIDE AND PUBLISH, UNIQUE IDENTIFIERS OF CERTIFIED INSTALLERS THAT ARE QUALIFIED CONTRACTORS.

5. THE AUTHORITY AND THE PUBLIC SERVICE ENTERPRISE GROUP - LONG ISLAND SHALL PROVIDE QUALIFIED CONTRACTORS WITH NOTICE OF THE AVAILABILITY OF SUN SOLAR ELECTRIC AND PUBLIC WORKS PROJECTS.

6. NEITHER THE AUTHORITY NOR THE PUBLIC SERVICE ENTERPRISE GROUP - LONG ISLAND SHALL IMPOSE ANY ADDITIONAL LIMITATIONS AND RESTRICTIONS UPON THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION, OTHER THAN THOSE SPECIFICALLY STATED IN THIS SECTION.

7. THE ENHANCED BENEFITS ESTABLISHED BY THIS SECTION SHALL BE PROVIDED IN ADDITION TO AND SHALL NOT BE SUBSTITUTED FOR ANY OTHER BENEFITS GRANTED PURSUANT TO THE NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM.

8. THE AUTHORITY SHALL MAINTAIN AND IMPLEMENT THE REGULATIONS PROMULGATED PURSUANT TO THIS SECTION FOR A PERIOD OF NOT LESS THAN FIVE YEARS, AND MAY EXTEND THE IMPLEMENTATION THEREOF FOR SUCH ADDITIONAL PERIODS AS IT SHALL DEEM PROPER.

9. THE AUTHORITY SHALL IMPLEMENT THE PROVISIONS OF THIS SECTION FROM MONEYS OTHERWISE APPROPRIATED FOR THE PURPOSE OF THE NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM, AND NO ADDITIONAL FUNDS SHALL BE APPROPRIATED FOR THE PURPOSES OF THIS SECTION.

S 2. The public service law is amended by adding a new section 73 to read as follows:

S 73. NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM; QUALIFIED CONTRACTORS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, INCLUDING TITLE ONE-A OF ARTICLE FIVE OF THE PUBLIC AUTHORITIES LAW, THE PUBLIC SERVICE ENTERPRISE GROUP - LONG ISLAND, IN ITS IMPLEMENTATION OF THE NEW YORK SUN SOLAR ELECTRIC INCENTIVE PROGRAM, SHALL COMPLY WITH THE PROVISIONS OF SECTION EIGHTEEN HUNDRED FIFTY-FOUR-E OF THE PUBLIC AUTHORITIES LAW.

S 3. This act shall take effect immediately.