

STATE OF NEW YORK

6004

2019-2020 Regular Sessions

IN ASSEMBLY

February 26, 2019

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:

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

3 § 1854-e. New York sun solar electric incentive program; additional
4 incentives. 1. Definitions. As used in this section:

5 (a) "Disabled" shall mean having a disability as defined in subdivi-
6 sion twenty-one of section two hundred ninety-two of the executive law.

7 (b) "Disabled-owned business enterprise" shall mean a business enter-
8 prise, including a sole proprietorship, partnership, limited liability
9 company or corporation that is:

10 (i) at least fifty-one percent owned by one or more disabled group
11 members;

12 (ii) an enterprise in which such disabled ownership is real, substan-
13 tial and continuing;

14 (iii) an enterprise in which such disabled ownership has and exercises
15 the authority to control independently the day-to-day business decisions
16 of the enterprise; and

17 (iv) an enterprise authorized to do business in this state and inde-
18 pendently owned and operated.

19 (c) "Minority-owned business enterprise" shall mean such term as
20 defined in subdivision seven of section three hundred ten of the execu-
21 tive law.

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

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1 (d) "Qualified contractor" shall mean a disabled-owned business enter-
2 prise, a minority-owned business enterprise, a veteran-owned business
3 enterprise or a women-owned business enterprise, that has been in opera-
4 tion for a period of not less than one year.

5 (e) "Veteran" shall mean a person who:

6 (i) (A) has been in the active military service of the United States,
7 as defined in subdivision eight of section one of the military law;

8 (B) has served on full-time active duty in a force of the organized
9 militia, as defined in subdivision nine of section one of the military
10 law, or in any similar force established by another state of the United
11 States; or

12 (C) has served on full time active duty while in the United States
13 army reserve, navy reserve, marine corps reserve, air force reserve or
14 coast guard reserve; and

15 (ii) has received an honorable or general discharge from such service.

16 (f) "Veteran-owned business enterprise" shall mean a business enter-
17 prise, including a sole proprietorship, partnership, limited liability
18 company or corporation that is:

19 (i) at least fifty-one percent owned by one or more group members who
20 are veterans;

21 (ii) an enterprise in which such veteran ownership is real, substan-
22 tial and continuing;

23 (iii) an enterprise in which such veteran ownership has and exercises
24 the authority to control day-to-day business decisions of the enter-
25 prise; and

26 (iv) an enterprise authorized to do business in this state and inde-
27 pendently owned and operated.

28 (g) "Women-owned business enterprise" shall mean such term as defined
29 in subdivision fifteen of section three hundred ten of the executive
30 law.

31 2. As part of its implementation of the New York sun solar electric
32 incentive program, the authority shall promulgate and implement rules
33 and regulations which provide enhanced benefits and incentives to the
34 customers of certified installers that are qualified contractors. Such
35 enhanced incentives shall apply to not more than sixty installations
36 during a calendar year by any individual qualified contractor. Further-
37 more, no qualified contractor shall receive compensation or reimburse-
38 ment, in any form, for the performance of any project, for which
39 enhanced benefits are provided pursuant to this section, from any person
40 or entity that is not a qualified contractor. Such rules and regulations
41 shall apply statewide including to the Public Service Enterprise Group -
42 Long Island in its service area.

43 3. The authority shall establish and provide for an additional sixty
44 cents per nameplate rated watt to customers of certified installers that
45 are qualified contractors.

46 4. The authority and the Public Service Enterprise Group - Long Island
47 shall, in all written and electronic media controlled thereby, provide
48 and publish, unique identifiers of certified installers that are quali-
49 fied contractors.

50 5. The authority and the Public Service Enterprise Group - Long
51 Island shall provide qualified contractors with notice of the availabil-
52 ity of sun solar electric and public works projects.

53 6. Neither the authority nor the Public Service Enterprise Group -
54 Long Island shall impose any additional limitations and restrictions
55 upon the implementation of the provisions of this section, other than
56 those specifically stated in this section.

1 7. The enhanced benefits established by this section shall be provided
2 in addition to and shall not be substituted for any other benefits
3 granted pursuant to the New York sun solar electric incentive program.

4 8. The authority shall maintain and implement the regulations promul-
5 gated pursuant to this section for a period of not less than five years,
6 and may extend the implementation thereof for such additional periods as
7 it shall deem proper.

8 9. The authority shall implement the provisions of this section from
9 moneys otherwise appropriated for the purpose of the New York sun solar
10 electric incentive program, and no additional funds shall be appropri-
11 ated for the purposes of this section.

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

14 § 73. New York sun solar electric incentive program; qualified
15 contractors. Notwithstanding any provision of law to the contrary,
16 including title one-A of article five of the public authorities law, the
17 Public Service Enterprise Group - Long Island, in its implementation of
18 the New York sun solar electric incentive program, shall comply with the
19 provisions of section eighteen hundred fifty-four-e of the public
20 authorities law.

21 § 3. This act shall take effect immediately.