

STATE OF NEW YORK

6070

2023-2024 Regular Sessions

IN ASSEMBLY

April 3, 2023

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

AN ACT to amend the executive 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 Assem-
bly, do enact as follows:

1 Section 1. Subdivision 6 of section 94-c of the executive law is
2 amended by adding a new paragraph (d) to read as follows:

3 (d) This section shall not impair or abrogate municipal enforcement of
4 the New York state uniform fire prevention and building code under
5 section three hundred eighty-one of this chapter.

6 § 2. Paragraph (a) of subdivision 7 of section 94-c of the executive
7 law, as added by section 4 of part JJJ of chapter 58 of the laws of
8 2020, is amended to read as follows:

9 (a) Each application for a siting permit shall be accompanied by a fee
10 in an amount equal to one thousand dollars for each thousand kilowatts
11 of capacity of the proposed major renewable energy facility, to be
12 deposited in an account to be known as the local agency account estab-
13 lished for the benefit of local agencies and community intervenors by
14 the New York state energy research and development authority and main-
15 tained in a segregated account in the custody of the commissioner of
16 taxation and finance. The office may update the fee periodically solely
17 to account for inflation. The proceeds of such account shall be
18 disbursed by the office, in accordance with eligibility and procedures
19 established by the rules and regulations promulgated by the office
20 pursuant to this section, for the participation of local agencies and
21 community intervenors in public comment periods ~~[or]~~ hearing
22 procedures, and compliance filings established by this section, includ-
23 ing the rules and regulations promulgated hereto; provided that fees

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

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1 must be disbursed for municipalities, political subdivisions or an agen-
2 cy thereof, to determine whether a proposed facility is designed to be
3 sited, constructed and operated in compliance with the applicable local
4 laws and regulations. Such proceeds may also be disbursed to reimburse
5 any expenses incurred in connection with pre-application activities
6 occurring no earlier than ninety days prior to the submission of such
7 application to the office. Expenses eligible for reimbursement shall
8 include, but are not limited to, expert witness, consultant, administra-
9 tive and legal fees. For the avoidance of doubt, any proceeds disbursed
10 pursuant to this paragraph shall not be used in connection with judicial
11 review or litigation.

12 § 3. This act shall take effect immediately; and provided, however,
13 that the amendments to section 94-c of the executive law made by
14 sections one and two of this act shall not affect the repeal of such
15 section and shall be deemed repealed therewith.