STATE OF NEW YORK

1179

2023-2024 Regular Sessions

IN SENATE

January 10, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to providing an exemption from requirements for the alienation of parkland for renewable energy generating projects

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

Section 1. The environmental conservation law is amended by adding a new section 52-0908 to read as follows:

§ 52-0908. Restriction on alienation exemption; renewable energy generating projects.

Notwithstanding section 52-0907 of this title, real property acquired, developed, improved, restored or rehabilitated by a municipality pursuant to subdivision four of section 52-0901 of this title with funds made available pursuant to this title may be sold or disposed of or used for other than public park purposes without the express authority of an act of the legislature, provided that such real property is not located within the Adirondack park or Catskill park, as such terms are defined in section 9-0101 of this chapter, and when such sale or disposal:

1. applies only to the sale or disposal or rights to airspace directly above such real property; and

2. is for the construction, installation and/or operation of a solar energy project not to exceed two megawatts of generating capacity and which is located above real property currently used for vehicle parking.

§ 2. This act shall take effect immediately and shall apply to alienations of parkland for renewable energy generating projects occurring on or after such date.

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

LBD04162-01-3