STATE OF NEW YORK

8926

IN SENATE

March 28, 2024

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

AN ACT in relation to directing the public service commission to create an agrivoltaics incentive program

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

Section 1. Legislative findings and statement of purpose. The legislature hereby finds, determines and declares:

1. Agrivoltaics combines the use of land for both agricultural production and solar photovoltaic energy generation. Agrivoltaic projects allow agricultural lands to remain in agricultural use, helping farmers diversify their income, often providing a financial lifeline to struggling farmers. Agrivoltaic projects serve as an alternative to permanent forms of development, such as housing or commercial uses, and also provides working land for the siting of solar projects that produce clean energy for the grid and/or the surrounding communities. Agrivoltaic solar projects are designed to provide appropriate spacing and height to allow for continued or renewed agricultural activity either around, between, or under the panels. A robust agrivoltaic project portfolio will allow New York to accomplish multiple public policy goals by ensuring our rural communities benefit from the renewable energy transition.

2. On April 14, 2022, the New York state public service commission ("the commission") adopted an Order Expanding NY-SUN Program in Commission Case 19-E-0735 which, amongst other directives, required the New York state research and development authority ("NYSERDA") to evaluate the potential for an agrivoltaics incentive adder specifically to support projects designed to maximize agricultural and environmental co-benefits and submit a proposal to the commission for consideration. Administered by NYSERDA, the NY-SUN Program provides financial incentives and financing options for the installation of new grid-connected solar photovoltaic systems that offset the use of grid-supplied electricity with the goal of making solar energy accessible to New Yorkers

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

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while lowering costs. To date, no agrivoltaics incentive adder proposal has been offered to the commission, and the lack of an incentive specific to agrivoltaics is stifling development of these types of projects.

3. Chapter 106 of the laws of 2019 enacted the New York State climate leadership and community protection act ("CLCPA"), which, amongst other directives, requires that 70% of statewide electric generation be produced by renewable energy resources by 2030 and that the statewide electrical system be zero-emission by 2040. The Climate Action Council Scoping Plan estimates that 18 - 19 GW of new solar capacity will be needed by 2030 in order to achieve CLCPA renewable energy mandates. Accordingly, state-level support for agrivoltaic projects will be critical to ensure that sufficient solar capacity is installed as we approach the 70x30 CLCPA deadline, while also bolstering the state's robust agricultural economy.

4. A public policy purpose would be served and the interests of the people of the state would be advanced by the creation of an agrivoltaics incentive to foster development of projects that not only provide solar energy that is urgently needed to attain CLCPA mandates, but to provide farmers with additional income and the chance to preserve, and even expand, agricultural production on their farmland. A meaningful long-term agrivoltaics incentive will spur development of technologies and projects that support the proliferation of agricultural commodities for the benefit of the farming community and the citizens of New York, all while allowing the state to meet its statutorily mandated clean energy targets.

§ 2. No later than December thirty-first, two thousand twenty-four, the public service commission shall, in consultation with the New York State energy research and development authority, establish by order an agrivoltaics incentive to support agrivoltaic projects designed to maximize agricultural and environmental co-benefits. Such incentive adder shall take the form of an upfront dollar per kilowatt incentive, awarded in addition to the NY-SUN base incentive and any other applicable incentives. Nothing in this section shall be construed to limit the public service commission's authority to establish by order an agrivoltaics incentive adder within the NY-SUN program.

§ 3. This act shall take effect immediately.