

# STATE OF NEW YORK

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## IN SENATE

March 28, 2024

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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:

1 Section 1. Legislative findings and statement of purpose. The legisla-  
2 ture hereby finds, determines and declares:

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

17 2. On April 14, 2022, the New York state public service commission  
18 ("the commission") adopted an Order Expanding NY-SUN Program in Commis-  
19 sion Case 19-E-0735 which, amongst other directives, required the New  
20 York state research and development authority ("NYSERDA") to evaluate  
21 the potential for an agrivoltaics incentive adder specifically to  
22 support projects designed to maximize agricultural and environmental  
23 co-benefits and submit a proposal to the commission for consideration.  
24 Administered by NYSERDA, the NY-SUN Program provides financial incen-  
25 tives and financing options for the installation of new grid-connected  
26 solar photovoltaic systems that offset the use of grid-supplied elec-  
27 tricity 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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1 while lowering costs. To date, no agrivoltaics incentive adder proposal  
2 has been offered to the commission, and the lack of an incentive specif-  
3 ic to agrivoltaics is stifling development of these types of projects.

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

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

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

36 § 3. This act shall take effect immediately.