STATE OF NEW YORK

3671

2025-2026 Regular Sessions

IN SENATE

January 29, 2025

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

AN ACT to amend the public service law, the general obligations law and the general business law, in relation to regulating the placement of renewable energy sources on public and private land; and providing for the repeal of certain provisions upon expiration thereof

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

Section 1. Subdivision 3 of section 142 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

3. For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, pursuant to regulations promulgated in accordance with this article, the municipality or political subdivision or agency thereof shall within the timeframes established by this subdivision submit a statement to ORES indicating whether the proposed project is designed to be sited, constructed and operated in compliance with applicable local laws and regulations, if any, concerning the environment, or public health and safety. In the event that a municipality, political subdivision or an agency thereof submits a statement to ORES that the proposed project is not designed to be sited, constructed or operated in compliance with local laws and regulations [~~and ORES determines not to hold an adjudicatory hearing on the application, ORES shall hold a non-adjudicatory public hearing in or near one or more of the affected municipalities or political subdivisions. In any such adjudicatory hearing, ORES or the department, shall designate members of its staff to represent the public interest, including with respect to the application of local and state laws~~] **such application shall be denied**.

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

LBD08114-01-5

§ 2. The public service law is amended by adding a new section 142-a to read as follows:

§ 142-a. Prohibition on conflicts of interest. 1. No application shall be deemed completed if such application provides compensation or a host agreement to a local elected official of a municipality or political subdivision, government employee, or an immediate family member of such a local elected official or government employee.

2. Where a municipality or political subdivision is to determine whether a proposed project is designed to be sited, constructed or operated in compliance with applicable local laws and regulations pursuant to section one hundred forty-two of this article, if any individual or individuals who participate in voting on approving such project would receive compensation or a host agreement as a result of such project being approved, such individual or individuals shall be required to recuse themselves from such vote. Furthermore, such individual or individuals shall not participate in any discussions or deliberations on whether such proposed project should be approved.

§ 3. The public service law is amended by adding a new section 149 to read as follows:

§ 149. Transparency requirements. The office of renewable energy siting and electric transmissions shall establish and maintain a database of all host agreements and land contracts related to major renewable energy facilities built in the state of New York. Such database shall be in an electronic format on the office of renewable energy siting and electric transmissions website and made available to the public. Such host agreements and land contracts shall be unredacted.

§ 4. Section 144 of the public service law, as added by section 11 of part O of chapter 58 of the laws of 2024, is amended to read as follows:

§ 144. Powers of municipalities and state agencies and authorities. 1. Applicants shall, prior to filing an application, conduct meetings with the respective chief executive officer of all municipalities in which the proposed major renewable generation facility or major electric transmission facility will be located. The applicant shall provide as part of the application presentation materials and a summary of questions raised, and responses provided during such meetings with municipalities. In the event the applicant is unable to secure a meeting with a relevant municipality the application shall contain a detailed explanation of all of the applicant's best efforts and reasonable attempts to secure such meeting, including, but not limited to, written communications between the applicant and the municipality.

2. Notwithstanding any other provision of law, including without limitation article eight of the environmental conservation law and article VII of this chapter, no other state agency, department or authority, or any municipality or political subdivision or any agency thereof may, except as expressly authorized under this article or the rules and regulations promulgated under this article, require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of [~~a major renewable energy facility or~~] a major electric transmission facility with respect to which an application for a siting permit has been filed, provided in the case of a municipality, political subdivision or an agency thereof, such entity has received notice of the filing of the application therefor. Notwithstanding the foregoing, the department of environmental conservation shall be the permitting agency for permits issued pursuant to federally delegated or federally approved programs.

3. In the case of a major renewable energy facilities agreements with a municipality or political subdivision, such municipality or political subdivision may require any approval, consent, permit, certificate, contract, agreement, or other condition for the development, design, construction, operation, or decommissioning of a major renewable energy facility prior to giving approval for an application. Such municipality or political subdivision shall hire and retain independent attorneys to review such agreements and applicants for a major renewable energy facility that provides wind or solar power shall be prohibited from providing attorneys to such municipality or political subdivision.

4. This section shall not impair or abrogate any federal, state or local labor laws or any otherwise applicable state law for the protection of employees engaged in the construction and operation of a major renewable energy facility or major electric transmission facility.

[~~4.~~] 5. ORES and the department shall monitor, enforce and administer compliance with any terms and conditions set forth in a siting permit issued pursuant to this article and in doing so may use and rely on authority otherwise available under this chapter.

§ 5. The general obligations law is amended by adding a new section 5-338 to read as follows:

§ 5-338. Agreements concerning the siting of major renewable energy facilities. Every undertaking or promise, whether written or oral, express or implied, constituting or contained, in any contract or agreement of hiring or employment between any individual, firm, company, association or corporation and any municipality or political subdivision and private landowner for the sale of land for the siting of a major renewable energy facility as contemplated by article eight of the public service law shall not contain a clause requiring the forfeiture of mineral rights.

§ 6. The general business law is amended by adding a new article 45-A to read as follows:

ARTICLE 45-A
RENEWABLE ENERGY SOLICITORS

Section 1510. Definitions.
1511. Prohibited practices.
1512. Violations and penalties.

§ 1510. Definitions. As used in this article, unless the context or subject matter otherwise requires:

1. "Renewable energy resources" shall have the same meaning as defined in section 1-103 of the energy law.

2. "Renewable energy resources agency" shall mean a person, firm or corporation engaged in business, the principal purpose of which is to solicit public agencies, municipalities, or private individuals to purchase a renewable energy resource power plant.

3. "Communication" shall mean the conveying of information regarding renewable energy resources directly or indirectly to any person through any medium.

4. "Renewable energy resources solicitor" means an individual who, as part of such individual's job, to solicit agencies, municipalities, or private individuals to purchase a renewal energy resource power plant.

§ 1511. Prohibited practices. No renewable energy resources agency as defined by this article, or such agency's agent shall:

1. Simulate in any manner a law enforcement officer, or a representative of any governmental agency of the state of New York or any of its political subdivisions;

2. Communicate with agencies, municipalities, or private individuals, including, but not limited to, any private individuals' family or household members, with such frequency or at such unusual hours or in such a manner as can reasonably be expected to abuse or harass the agency, municipality or private individual; or

3. Use a communication which simulates in any manner legal or judicial process, or which gives the appearance of being authorized, issued, or approved by a government, governmental agency, or attorney at law when it is not.

§ 1512. Violations and penalties. 1. Except as otherwise provided by law, any person who violates the terms of section fifteen hundred eleven of this article is guilty of a misdemeanor, and each such violation shall be deemed a separate offense.

2. The attorney general or the district attorney of any county may bring an action in the name of the people of the state to restrain or prevent any violation of this article or any continuance of any such violation.

§ 7. This act shall take effect immediately; provided, however, the amendments to article 8 of the public service law made by sections one, two, three and four of this act shall not affect the repeal of such article and shall be deemed repealed therewith; and provided further, that sections five and six of this act shall expire and be deemed repealed on the same date and in the same manner as section 11 of part O of chapter 58 of the laws of 2024.