STATE OF NEW YORK

7584--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to establishing the agrivoltaics viability pilot program

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

Section 1. The public authorities law is amended by adding a new section 1885 to read as follows:

§ 1885. Agrivoltaics viability pilot program. 1. Legislative intent. The legislature finds that as New York progresses to utilizing clean energy, the agricultural industry has an opportunity to play a substantial role in environmental conservation while also protecting and maintaining viable farmland through the practice of agrivoltaics. Dual-use solar energy projects have the potential to keep farmland as working agricultural landscapes providing economic benefits to farmers and assisting the state in reaching its climate and environmental impact goals. The legislature hereby declares that to progress the initiatives of the farmland viability program, the authority shall create an agrivoltaics viability pilot program.

2. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Agricultural products and activities" shall include:

(i) crop production;

(ii) animal husbandry; and

(iii) livestock grazing or cattle grazing; provided, however, that agricultural products and activities shall not include sheep grazing as the sole farming activity except where the land utilized is currently utilized exclusively for such purpose.

(b) "Agricultural products and activities" shall not include pollinator habitats, apiaries, or both as the sole farming activities.

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

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(c) "Agrivoltaics" or "dual-use solar energy projects" shall mean the simultaneous use of areas of land for both solar power generation and agriculture through a ground-mounted photovoltaic solar energy system constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products and activities by an agricultural producer, provided that such use:

(i) is constructed, installed, and operated to achieve integrated and simultaneous production of both solar energy and marketable agricultural products consistent with commercial agricultural production, as soon as agronomically feasible and continuing until decommissioning, on land beneath or between rows of solar panels;

(ii) has been intentionally planned and designed with agricultural producers or experts;

(iii) has provisions for decommissioning to protect the land's agricultural resources and utility; and

(iv) does not significantly displace farming activity.

3. Agrivoltaics viability pilot program. The authority shall initiate and maintain a state agrivoltaics viability pilot program in consultation with the department of agriculture and markets. The agrivoltaics viability pilot program shall provide grants to identify the best practices and strategies for dual-use solar energy projects that protect soil health during construction and decommissioning of solar arrays, utilize sustainable agricultural production practices, monitor any benefits solar energy may have on farms and to the state, track economic viability, study the commercialization of dual-use solar energy projects, and encourage equitable engagement of stakeholders.

(a) The authority, in consultation with the department of agriculture and markets, the public service commission, and the department of environmental conservation, shall adopt policies and procedures necessary for the implementation of the pilot program, including but not limited to: (i) the process by which a developer may apply for the approval needed to participate in the pilot program; provided, however, that such process shall require that the developer obtains the written consent of the landowner; and (ii) provisions prescribing standards concerning impervious cover which may be permitted in connection with dual-use solar energy projects authorized to be constructed, installed, and operated on farmland pursuant to this section.

(b) One year after grants are distributed for the purposes of the pilot program and every two years thereafter, the authority shall report to the governor, the temporary president of the senate and the speaker of the assembly on the agrivoltaics viability pilot program and its results.

§ 2. This act shall take effect six months after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.