

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:

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

3 § 1885. Agrivoltaics viability pilot program. 1. Legislative intent.
4 The legislature finds that as New York progresses to utilizing clean
5 energy, the agricultural industry has an opportunity to play a substan-
6 tial role in environmental conservation while also protecting and main-
7 taining viable farmland through the practice of agrivoltaics. Dual-use
8 solar energy projects have the potential to keep farmland as working
9 agricultural landscapes providing economic benefits to farmers and
10 assisting the state in reaching its climate and environmental impact
11 goals. The legislature hereby declares that to progress the initiatives
12 of the farmland viability program, the authority shall create an agri-
13 voltaics viability pilot program.

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

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

17 (i) crop production;

18 (ii) animal husbandry; and

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

23 (b) "Agricultural products and activities" shall not include pollina-
24 tor 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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1 (c) "Agrivoltaics" or "dual-use solar energy projects" shall mean the
2 simultaneous use of areas of land for both solar power generation and
3 agriculture through a ground-mounted photovoltaic solar energy system
4 constructed, installed, and operated to achieve integrated and simul-
5 taneous production of both solar energy and marketable agricultural
6 products and activities by an agricultural producer, provided that such
7 use:

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

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

15 (iii) has provisions for decommissioning to protect the land's agri-
16 cultural resources and utility; and

17 (iv) does not significantly displace farming activity.

18 3. Agrivoltaics viability pilot program. The authority shall initiate
19 and maintain a state agrivoltaics viability pilot program in consulta-
20 tion with the department of agriculture and markets. The agrivoltaics
21 viability pilot program shall provide grants to identify the best prac-
22 tices and strategies for dual-use solar energy projects that protect
23 soil health during construction and decommissioning of solar arrays,
24 utilize sustainable agricultural production practices, monitor any bene-
25 fits solar energy may have on farms and to the state, track economic
26 viability, study the commercialization of dual-use solar energy
27 projects, and encourage equitable engagement of stakeholders.

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

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

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