STATE OF NEW YORK

9478

IN SENATE

March 17, 2026

Introduced by Sen. HINCHEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, the public service law and the real property tax law, in relation to prohibiting incentives for the siting or operation of commercial renewable energy systems in sensitive environmental areas

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

Section 1. Section 151 of the agriculture and markets law, as amended by chapter 375 of the laws of 2008, is amended to read as follows:

§ 151. Agricultural environmental management program. There is hereby established within the department an agricultural environmental management program to assist farmers in maintaining the economic viability of their farm operations while addressing environmental impacts from those operations, including, but not limited to, soil, air and water pollution and greenhouse gas emissions. The program may also include assistance to farmers for the development of agriculturally-derived renewable energy sources. The program may consist of planner certification to qualify persons to prepare AEM plans; technical assistance to farmers participating in the program; financial assistance, within funds available, to soil and water conservation districts and farmers to prepare and implement plans; other incentives for program participation; and evaluation of program procedures and projects to assess effectiveness. **No such assistance shall be provided for the siting or operation of commercial renewable energy systems, such as solar farms, on land used in agricultural production, but may be provided for agrivoltaic energy systems, as defined by section two of the public service law, or renewable energy systems designed primarily to provide on-site electricity.**

§ 2. The opening paragraph of section 323 of the agriculture and markets law, as amended by chapter 150 of the laws of 2013, is amended to read as follows:

The commissioner shall initiate and maintain a state agricultural and farmland protection program to provide financial and technical assistance, within funds available, to counties, municipalities, soil and

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

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water conservation districts, and not-for-profit conservation organizations for their agricultural and farmland protection efforts. No such financial or technical assistance shall be provided for any commercial project siting or proposing to site renewable energy systems on land used in agricultural production, other than for an agrivoltaics energy systems as defined in section two the public service law or a project that primarily provides electricity for on-site use. Activities to be conducted by the commissioner shall include, but not be limited to:

§ 3. Section 66-p of the public service law is amended by adding a new subdivision 9 to read as follows:

9. Notwithstanding any other provision of law to the contrary, no zero emission credits or other incentives shall be granted to a commercial renewable energy system sited or proposed to be sited:

(a) on land used in agricultural production, as defined in section three hundred one of the agriculture and markets law, other than an agrivoltaic energy system or a system designed primarily to provide on-site electricity;

(b) within a critical environmental area pursuant to section eight hundred ten of the executive law;

(c) within a department of environmental conservation designated grassland bird conservation center;

(d) within a New York state bird conservation area pursuant to section 11-2001 of the environmental conservation law; or

(e) within a wildlife management area pursuant to section 11-0303 of the environmental conservation law.

§ 4. Section 487 of the real property tax law is amended by adding a new subdivision 11 to read as follows:

11. Notwithstanding the provisions of this section to the contrary, no exemption shall be granted to a commercial renewable energy system sited or proposed to be sited:

(a) on land used in agricultural production, as defined in section three hundred one of the agriculture and markets law, other than an agrivoltaic energy system, as defined in section two of the public service law, or a system designed primarily to provide on-site electricity;

(b) within a critical environmental area pursuant to section eight hundred ten of the executive law;

(c) within a department of environmental conservation designated grassland bird conservation center;

(d) within a New York state bird conservation area pursuant to section 11-2001 of the environmental conservation law; or

(e) on privately held land within a wildlife management area pursuant to section 11-0303 of the environmental conservation law.

§ 5. Section 2 of the public service law is amended by adding two new subdivisions 30 and 31 to read as follows:

30. "Agrivoltaics" when used in this chapter, means 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:

(a) 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;

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

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

(d) does not significantly displace farming activity.

31. "Agricultural products and activities" when used in this chapter, shall include: (a) crop production; (b) animal husbandry; and (c) 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; and provided further, however, that agricultural products and activities shall not include pollinator habitats, apiaries, or both as the sole farming activities.

§ 6. This act shall take effect immediately.