

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:

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

3 § 151. Agricultural environmental management program. There is hereby
4 established within the department an agricultural environmental manage-
5 ment program to assist farmers in maintaining the economic viability of
6 their farm operations while addressing environmental impacts from those
7 operations, including, but not limited to, soil, air and water pollution
8 and greenhouse gas emissions. The program may also include assistance to
9 farmers for the development of agriculturally-derived renewable energy
10 sources. The program may consist of planner certification to qualify
11 persons to prepare AEM plans; technical assistance to farmers partic-
12 ipating in the program; financial assistance, within funds available, to
13 soil and water conservation districts and farmers to prepare and imple-
14 ment plans; other incentives for program participation; and evaluation
15 of program procedures and projects to assess effectiveness. No such
16 assistance shall be provided for the siting or operation of commercial
17 renewable energy systems, such as solar farms, on land used in agricul-
18 tural production, but may be provided for agrivoltaic energy systems, as
19 defined by section two of the public service law, or renewable energy
20 systems designed primarily to provide on-site electricity.

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

24 The commissioner shall initiate and maintain a state agricultural and
25 farmland protection program to provide financial and technical assist-
26 ance, 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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1 water conservation districts, and not-for-profit conservation organiza-
2 tions for their agricultural and farmland protection efforts. No such
3 financial or technical assistance shall be provided for any commercial
4 project siting or proposing to site renewable energy systems on land
5 used in agricultural production, other than for an agrivoltaics energy
6 systems as defined in section two the public service law or a project
7 that primarily provides electricity for on-site use. Activities to be
8 conducted by the commissioner shall include, but not be limited to:

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

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

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

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

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

22 (d) within a New York state bird conservation area pursuant to section
23 11-2001 of the environmental conservation law; or

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

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

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

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

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

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

40 (d) within a New York state bird conservation area pursuant to section
41 11-2001 of the environmental conservation law; or

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

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

46 30. "Agrivoltaics" when used in this chapter, means the simultaneous
47 use of areas of land for both solar power generation and agriculture
48 through a ground-mounted photovoltaic solar energy system constructed,
49 installed, and operated to achieve integrated and simultaneous
50 production of both solar energy and marketable agricultural products and
51 activities by an agricultural producer, provided that such use:

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

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

3 (c) has provisions for decommissioning to protect the land's agricul-
4 tural resources and utility; and

5 (d) does not significantly displace farming activity.

6 31. "Agricultural products and activities" when used in this chapter,
7 shall include: (a) crop production; (b) animal husbandry; and (c) live-
8 stock grazing or cattle grazing; provided, however, that agricultural
9 products and activities shall not include sheep grazing as the sole
10 farming activity except where the land utilized is currently utilized
11 exclusively for such purpose; and provided further, however, that agri-
12 cultural products and activities shall not include pollinator habitats,
13 apiaries, or both as the sole farming activities.

14 § 6. This act shall take effect immediately.