

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the public service law, the economic development law, the real property tax law, the general municipal law, the public authorities law, the environmental conservation law, the New York state urban development corporation act and the state finance law, in relation to accelerating the growth of renewable energy facilities to meet critical state energy policy goals (Part);

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

1 PART ____

2 Section 1. This act shall be known as the "accelerated renewable ener-
3 gy growth and community benefit act".

4 § 2. Legislative findings and statement of purpose. The legislature
5 hereby finds, determines and declares:

6 1. Chapter 106 of the laws of 2019 enacted the New York state climate
7 leadership and community protection act (the "CLCPA") among other
8 things:

9 (a) directed the department of environmental conservation to establish
10 a statewide greenhouse gas emissions limit as a percentage of 1990 emis-
11 sions as follows: (i) 2030: 60% of 1990 emissions; and (ii) 2050: 15% of
12 1990 emissions;

13 (b) directed the public service commission ("commission") to establish
14 programs to require that a minimum of 70% statewide electric generation
15 be produced by renewable energy systems by 2030, and that by the year

1 2040 the statewide electrical demand system will generate zero emis-
2 sions; and

3 (c) directed the commission to require the procurement by the state's
4 jurisdictional load serving entities of at least 9 gigawatts of offshore
5 wind electricity generation by 2035 and six gigawatts of photovoltaic
6 solar generation by 2025, and to support three gigawatts of statewide
7 energy storage capacity by 2030 (collectively, the "CLCPA targets").

8 2. In order to achieve the CLCPA targets, the state shall take appro-
9 priate action to ensure that:

10 (a) new renewable energy generation projects can be sited in a timely
11 and cost-effective manner; and

12 (b) renewable energy can be efficiently and cost effectively injected
13 into the state's distribution and transmission system for delivery to
14 regions of the state where it is needed. In particular, the state shall
15 provide for timely construction of new, expanded and upgraded distrib-
16 ution and transmission infrastructure as may be needed to access and
17 deliver renewable energy resources, which may include alternating
18 current transmission facilities, high voltage direct current trans-
19 mission infrastructure facilities, and submarine transmission facilities
20 needed to interconnect off-shore renewable generation resources to the
21 state's transmission system.

22 3. A public policy purpose would be served and the interests of the
23 people of the state would be advanced by directing the public service
24 commission to make a comprehensive study of the state's power grid to
25 identify distribution and transmission infrastructure needed to enable
26 the state to meet the CLCPA targets, and based on such study, develop
27 definitive plans that: (a) provide for the timely development of local
28 transmission and distribution system upgrades by the state's regulated

1 utilities and the Long Island power authority; (b) identify bulk trans-
2 mission investments that should be undertaken, including projects that
3 should be undertaken immediately and on an expedited basis by the power
4 authority of the state of New York; and (c) otherwise advance the poli-
5 cies of this act.

6 4. A public policy purpose would be served and the interests of the
7 people of the state would be advanced by:

8 (a) expediting the regulatory review for the siting of major renewable
9 energy facilities and transmission infrastructure necessary to meet the
10 CLCPA targets, in recognition of the importance of these facilities and
11 their ability to lower carbon emissions;

12 (b) making available to developers of cleangeneration resources
13 build-ready sites for the construction and operation of such renewable
14 energy facilities;

15 (c) developing uniform permit standards and conditions that are appli-
16 cable to classes and categories of renewable energy facilities, that
17 reflect the environmental benefits of such facilities and addresses
18 common conditions necessary to minimize impacts to the surrounding
19 community and environment;

20 (d) providing for workforce training, especially in disadvantaged
21 communities;

22 (e) implementing one or more programs to provide benefits to owners of
23 land and communities where renewable energy facilities and transmission
24 infrastructure would be sited;

25 (f) incentivizing the re-use or adaptation of sites with existing or
26 abandoned commercial or industrial uses, such as brownfields, landfills,
27 and former commercial or industrial sites, for the development of major

1 renewable energy facilities and to restore and protect the value of
2 taxable land and leverage existing resources; and

3 (g) establishing additional mechanisms to facilitate the achievement
4 of a net conservation benefit to endangered or threatened species which
5 may be impacted by the construction or operation of major renewable
6 energy facilities.

7 § 3. Paragraphs (c) and (d) of subdivision 4 of section 162 of the
8 public service law, as added by chapter 388 of the laws of 2011, are
9 amended and a new subdivision (e) is added to read as follows:

10 (c) To a major electric generating facility (i) constructed on lands
11 dedicated to industrial uses, (ii) the output of which shall be used
12 solely for industrial purposes, on the premises, and (iii) the generat-
13 ing capacity of which does not exceed two hundred thousand kilowatts;
14 [or]

15 (d) To a major electric generating facility if, on or before the
16 effective date of the rules and regulations promulgated pursuant to this
17 article and section 19-0312 of the environmental conservation law, an
18 application has been made for a license, permit, certificate, consent or
19 approval from any federal, state or local commission, agency, board or
20 regulatory body, in which application the location of the major electric
21 generating facility has been designated by the applicant; or if the
22 facility is under construction at such time[.]; or

23 (e) To a major renewable energy facility as such term is defined in
24 article twenty-three of the economic development law. Any person intend-
25 ing to construct a major renewable energy facility that has filed an
26 application for a certificate pursuant to section one hundred sixty-four
27 of this article which is pending with the commission as of the effective
28 date of this paragraph, may, by written notice to the secretary of the

1 commission, elect to become subject to the provisions of article twen-
2 ty-three of the economic development law.

3 § 4. Section 1 of chapter 174 of the laws of 1968, constituting the
4 New York state urban development corporation act, is amended by adding a
5 new section 16-bb to read as follows:

6 § 16-bb. Green energy siting. There is hereby established within the
7 corporation an office to implement the goals and objectives of title
8 nine-B of article eight of the public authorities law. Such office shall
9 work collaboratively with the New York state energy research and devel-
10 opment authority, department of environmental conservation, and the New
11 York state department of public service in the location, identification,
12 assessment, acquisition, development, marketing and disposition of sites
13 within the state that appear suitable for the development of major
14 renewable energy facilities including sites to be developed as build-
15 ready sites; to enter into any contract necessary to effectuate the
16 parties responsibilities under this section and other applicable law; to
17 request and receive assistance from any department, division, office,
18 commission or other agency of the state or any political subdivision
19 thereof to support the administration of the activities set forth here-
20 in; and to take all other actions that may be deemed necessary or
21 convenient to implement the purposes of this section.

22 § 5. Section 100 of the economic development law is amended by adding
23 a new subdivision 46-a to read as follows:

24 46-a. The department, by and through the commissioner, shall be
25 authorized to conduct hearings and dispute resolution proceedings, issue
26 permits, and adopt such rules, regulations and procedures as may be
27 necessary, convenient, or desirable to effectuate the purposes of arti-
28 cle twenty-three of this chapter.

1 § 6. The economic development law is amended by adding a new article
2 23 to read as follows:

3 ARTICLE 23

4 MAJOR RENEWABLE ENERGY DEVELOPMENT PROGRAM

5 Section 451. Purpose.

6 453. Definitions.

7 455. Office of renewable energy siting; responsibilities.

8 457. Applicability.

9 459. Application and review.

10 461. Powers of municipalities and state agencies and authori-
11 ties; scope of article.

12 463. Fees; local agency account.

13 § 451. Purpose. It is the purpose of this article to consolidate the
14 environmental review and permitting of major renewable energy facilities
15 in this state and to provide a single forum in which the office of
16 renewable energy siting created by this article may undertake a coordi-
17 nated and timely review of proposed major renewable energy facilities to
18 meet the state's renewable energy goals while ensuring the protection of
19 the environment and consideration of all pertinent social, economic and
20 environmental factors in the decision to permit such facilities as more
21 specifically provided in this article.

22 § 453. Definitions. 1. "Commissioner" shall mean the commissioner of
23 the department of economic development.

24 2. "CLCPA targets" shall mean the public policies established in the
25 climate leadership and community protection act enacted in chapter one
26 hundred six of the laws of two thousand nineteen, including the require-
27 ment that a minimum of seventy percent of the statewide electric gener-
28 ation be produced by renewable energy systems by two thousand thirty,

1 that by the year two thousand forty the statewide electrical demand
2 system will generate zero emissions and the procurement of at least nine
3 gigawatts of offshore wind electricity generation by two thousand thir-
4 ty-five, six gigawatts of photovoltaic solar generation by two thousand
5 twenty-five and to support three gigawatts of statewide energy storage
6 capacity by two thousand thirty.

7 3. "Local agency account" or "account" shall mean the account estab-
8 lished by the department pursuant to section four hundred sixty-three of
9 this article.

10 4. "Local agency" means any local agency, board, district, commission
11 or governing body, including any city, county, and other political
12 subdivision of the state.

13 5. "Office" shall mean the office of renewable siting established
14 pursuant to this article.

15 6. "Department" shall mean the department of economic development.

16 7. "Major renewable energy facility" means any renewable energy
17 system, as such term is defined in section sixty-six-p of the public
18 service law as added by chapter one hundred six of the laws of two thou-
19 sand nineteen, with a nameplate generating capacity of twenty-five thou-
20 sand kilowatts or more, and any co-located system storing energy gener-
21 ated from such a renewable energy system prior to delivering it to the
22 bulk transmission system, including all associated appurtenances to
23 electric plants as defined under section two of the public service law,
24 including electric transmission facilities of any capacity or length in
25 order to provide access to load and to integrate such facilities into
26 the state's bulk electric transmission system.

1 8. "Siting permit" shall mean the major renewable energy facility
2 siting permit established pursuant to this article and the rules and
3 regulations promulgated by the department.

4 § 455. Office of renewable energy siting; responsibilities. 1. There
5 shall be created in the department an office of renewable energy siting
6 charged with accepting applications for evaluating, issuing, amending,
7 approving the assignment and/or transfer of, and enforcing siting
8 permits.

9 2. The office shall establish a set of uniform standards and condi-
10 tions for the siting, design, construction and operation of major renew-
11 able energy facilities relevant to issues that are common for particular
12 classes and categories of major renewable energy facilities, in consul-
13 tation with the New York state energy research and development authori-
14 ty, the department of environmental conservation, the department of
15 public service, the department of agriculture and markets, and other
16 relevant state agencies and authorities with subject matter expertise.

17 3. The uniform standards and conditions established pursuant to this
18 section shall be designed to avoid or minimize any potential significant
19 adverse environmental impacts related to the siting, design,
20 construction and operation of a major renewable energy facility, taking
21 into account the CLCPA targets and the environmental benefits of the
22 proposed major renewable energy facility. Such uniform standards and
23 conditions shall apply to those environmental impacts the department
24 determines are common to major renewable energy facilities.

25 4. In its review of an application for a permit to develop a major
26 renewable energy facility, the office shall identify those site-specific
27 environmental impacts, if any, that may be caused or exacerbated by a
28 specific proposed major renewable energy facility and are unable to be

1 addressed in accordance with the uniform standards and conditions. Where
2 appropriate, the department shall draft site specific permit terms and
3 conditions for such impacts, including provisions for the mitigation
4 thereof, taking into account the CLCPA targets and the environmental
5 benefits of the proposed major renewable energy facility. Such terms and
6 conditions may provide for an applicant's payment of a specified amount
7 in lieu of physical mitigation. Amounts paid by an applicant pursuant to
8 such terms and conditions for mitigation of impacts to endangered and
9 threatened species shall be deposited into the endangered and threatened
10 species mitigation fund established pursuant to section ninety-nine-hh
11 of the state finance law.

12 5. The department shall promulgate rules and regulations with respect
13 to all necessary requirements to implement the siting permit program
14 established in this article and promulgate modifications to such rules
15 and regulations as it deems necessary.

16 6. At the request of the office, all other state agencies and authori-
17 ties are hereby authorized to provide support and render services to the
18 office within their respective functions.

19 § 457. Applicability. 1. Following the effective date of this article,
20 no person shall commence the physical preparation of a site for, or
21 begin the construction of a major renewable energy facility in the
22 state, or increase the capacity of an existing major renewable energy
23 facility, without having first obtained a siting permit pursuant to this
24 article. Any such major renewable energy facility with respect to which
25 a siting permit is issued shall not thereafter be built, maintained, or
26 operated except in conformity with such siting permit and any terms,
27 limitations, or conditions contained therein, provided that nothing in

1 this section shall exempt such major renewable energy facility from
2 compliance with federal laws and regulations.

3 2. A siting permit issued by the office may be transferred or
4 assigned, subject to the prior written approval of the office, to a
5 person that agrees to comply with the terms, limitations and conditions
6 contained in such siting permit.

7 3. The office may amend any siting permit issued under this article.

8 4. Any hearings or dispute resolution proceedings initiated under this
9 article or pursuant to rules or regulations promulgated pursuant to this
10 article may be conducted by the commissioner or any person to whom the
11 commissioner shall delegate the power and authority to conduct such
12 hearings or proceedings in the name of the department at any time and
13 place.

14 5. This article shall not apply:

15 (a) to a major renewable energy facility, or any portion thereof, over
16 which any agency or department of the federal government has exclusive
17 siting jurisdiction, or has siting jurisdiction concurrent with that of
18 the state and has exercised such jurisdiction to the exclusion of regu-
19 lation of the facility by the state; provided, however, nothing herein
20 shall be construed to expand federal jurisdiction;

21 (b) to normal repairs, maintenance, replacements, non-material modifi-
22 cations and improvements of a major renewable energy facility, whenever
23 built, which are performed in the ordinary course of business and which
24 do not constitute a violation of any applicable existing permit;

25 (c) to a major renewable energy facility if, on or before the effec-
26 tive date of this article, an application has been made or granted for a
27 license, permit, certificate, consent or approval from any federal,
28 state or local commission, agency, board or regulatory body, including

1 article ten of the public service law, in which application the location
2 of the major renewable energy facility has been designated by the appli-
3 cant, except in the case of a person who elects to be subject to this
4 article as authorized by paragraph e of subdivision four of section one
5 hundred sixty-two of the public service law.

6 6. Any person intending to construct a major renewable energy facility
7 excluded from this article pursuant to paragraph (b) or (c) of subdivi-
8 sion five of this section may elect to become subject to the provisions
9 of this article by filing an application for a siting permit. This arti-
10 cle shall thereafter apply to each major renewable energy facility iden-
11 tified in such notice from the date of its receipt by the office. With
12 respect to such major renewable energy facilities, the rules and regu-
13 lations promulgated pursuant to this article shall set forth an expe-
14 ditated permitting process to account for matters and issues already
15 presented in relevant alternative permitting proceedings.

16 7. Any person intending to construct a facility that is a renewable
17 energy system, as such term is defined in section sixty-six-p of the
18 public service law as added by chapter one hundred six of the laws of
19 two thousand nineteen, with a nameplate capacity of at least ten thou-
20 sand but less than twenty-five thousand kilowatts or more, may apply to
21 become subject to the provisions of this article by filing an applica-
22 tion for a siting permit. Upon submission of such application, the
23 subject renewable energy facility shall be treated as a "major renewable
24 energy facility" exclusively for purposes of permitting under this arti-
25 cle.

26 § 459. Application and review. 1. Until the department establishes
27 uniform standards and conditions required by section four hundred
28 fifty-five of this article or promulgates regulations specifying the

1 content of an application for a siting permit, an application for a
2 siting permit submitted to the department shall conform substantially to
3 the form and content of an application required by section one hundred
4 sixty-four of the public service law.

5 2. Notwithstanding any law to the contrary, the office shall, within
6 sixty days of its receipt of an application for a siting permit deter-
7 mine whether the application is complete and notify the applicant of its
8 determination. If the department does not deem the application complete,
9 the department shall set forth in writing delivered to the applicant all
10 of the reasons why it has determined the application to be incomplete.
11 If the department fails to make a determination within the foregoing
12 sixty-day time period, the application shall be deemed complete.

13 3. a. No later than sixty days following the date upon which an
14 application has been deemed complete, and following consultation with
15 any relevant state agency or authority, the department shall publish for
16 public comment draft permit conditions prepared by the department, which
17 comment period shall be for a minimum of sixty days from public notice
18 thereof.

19 b. For any municipality, political subdivision or an agency thereof
20 that has received notice of the filing of an application, the munici-
21 pality shall within the timeframes established by this subdivision
22 submit a statement to the office indicating whether the proposed facili-
23 ty is designed to operate in compliance with applicable local laws and
24 regulations, if any, concerning the environment, public health and safe-
25 ty.

26 4. General expressions of disagreement with or general opposition to
27 the siting, design, construction and/or operation of a major renewable
28 energy facility during the public comment period shall not be considered

1 to be substantive or significant for purposes of this section. If public
2 comment on a draft permit condition published by the department pursuant
3 to this section, including comments provided by a municipality, raises a
4 substantive and significant issue that requires adjudication, the
5 department shall promptly fix a date for hearing to hear arguments and
6 consider evidence with respect thereto.

7 5. Following the expiration of the public comment period set forth in
8 this section, or following the conclusion of a hearing undertaken pursu-
9 ant to this section, as applicable the office shall promptly issue a
10 final siting permit to the applicant that includes such conditions the
11 office determines to be necessary to mitigate any potential significant
12 adverse environmental impact, and the office may elect not to apply, in
13 whole or in part, any local law or ordinance which would otherwise be
14 applicable if it finds that, as applied to the proposed major renewable
15 energy facility, is unreasonably burdensome in view of the CLCPA targets
16 and the environmental benefits of the proposed major renewable energy
17 facility.

18 6. In all respects, and notwithstanding any other deadline made appli-
19 cable by this article, the office shall make a final decision on a
20 siting permit for any major renewable energy project within one year
21 from the date the application was deemed complete, or within six months
22 from the date the application was deemed complete if the major renewable
23 energy facility is proposed to be sited on an existing or abandoned
24 commercial use, including without limitation, brownfields, landfills,
25 former commercial or industrial sites, and abandoned or otherwise under-
26 utilized sites, as further defined by the regulations promulgated by
27 this article. If a final siting permit decision has not been made by the
28 office within such time period then such siting permit shall be deemed

1 to have been automatically granted for all purposes set forth in this
2 article and all uniform conditions or site specific permit conditions
3 issued for public comment shall constitute enforceable provisions of the
4 siting permit.

5 7. Any party aggrieved by the issuance or denial of a permit under
6 this article may seek judicial review thereof only in a proceeding
7 pursuant to article seventy-eight of the civil practice law and rules by
8 filing of a petition within thirty days of the issuance or denial of the
9 permit.

10 § 461. Powers of municipalities and state agencies and authorities;
11 scope of article. 1. Notwithstanding any other provision of law,
12 including without limitation article eight of the environmental conser-
13 vation law and article seven of the public service law, no other state
14 agency, department or authority, or any local agency or political subdi-
15 vision or any agency thereof may, except as expressly authorized under
16 this article or the rules and regulations promulgated under this arti-
17 cle, require any approval, consent, permit, certificate, contract,
18 agreement, or other condition for the development, design, construction,
19 operation, or decommissioning of a major renewable energy facility with
20 respect to which an application for a siting permit has been filed,
21 provided in the case of a municipality, political subdivision or an
22 agency thereof, such entity has received notice of the filing of the
23 application therefor. Notwithstanding the foregoing, the department of
24 environmental conservation shall be the permitting agency for permits
25 issued pursuant to federally delegated or federally approved programs.

26 2. This article shall not impair or abrogate any federal, state or
27 local labor laws or any otherwise applicable state law for the

1 protection of employees engaged in the construction and operation of a
2 major renewable energy facility.

3 § 463. Fees; local agency account. 1. Each application for a siting
4 permit shall be accompanied by a fee in an amount equal to one thousand
5 dollars for each thousand kilowatts of capacity of the proposed major
6 renewable energy facility, and the office may update the fee period-
7 ically solely to account for inflation, to be deposited in an account to
8 be known as the local agency account established for the benefit of
9 local agencies by the New York state energy research and development
10 authority and maintained in a segregated account in the custody of the
11 commissioner of taxation and finance. The proceeds of such account shall
12 be disbursed by the office, in accordance with eligibility and proce-
13 dures established by the rules and regulations promulgated by the
14 department pursuant to this article, for the participation of local
15 agencies in public comment periods or hearing procedures established by
16 this article, including the rules and regulations promulgated hereto.

17 2. All funds so held by the New York state energy research and devel-
18 opment authority shall be subject to an annual independent audit as part
19 of such authority's audited financial statements, and such authority
20 shall prepare an annual report summarizing account balances and activ-
21 ities for each fiscal year ending March thirty-first and provide such
22 report to the office no later than ninety days after commencement of
23 such fiscal year.

24 3. With respect to a person who has filed an application for a siting
25 permit pursuant to section four hundred fifty-seven of this article, the
26 department of public service is hereby directed to refund to that person
27 any amounts held in an intervenor account established pursuant to arti-
28 cles seven and ten of the public service law, as applicable, and with

1 respect to such persons, the office shall address the appropriate treat-
2 ment of funds already disbursed from the intervenor fund in taking and
3 assessing application fees pursuant to this section.

4 4. In addition to the fees established pursuant to subdivision one of
5 this section, the department, pursuant to regulations adopted pursuant
6 to this section, may assess a fee for the purpose of recovering the
7 costs the department incurs related to reviewing and processing an
8 application submitted under this article.

9 § 7. Subdivision 7 of section 487 of the real property tax law, as
10 amended by chapter 515 of the laws of 2002, is amended to read as
11 follows:

12 7. If the assessor is satisfied that the applicant is entitled to an
13 exemption pursuant to this section, he or she shall approve the applica-
14 tion and enter the taxable assessed value of the parcel for which an
15 exemption has been granted pursuant to this section on the assessment
16 roll with the taxable property, with the amount of the exemption set
17 forth in a separate column as computed pursuant to subdivision two of
18 this section and, if applicable section five hundred seventy-five-b of
19 this chapter in a separate column. In the event that real property
20 granted an exemption pursuant to this section ceases to be used primari-
21 ly for eligible purposes, the exemption granted pursuant to this section
22 shall cease.

23 § 8. Subparagraph (a) of subdivision 9 of section 487 of the real
24 property tax law, as amended by chapter 344 of the laws of 2014, is
25 amended and a new subparagraph (c) is added to read as follows:

26 (a) A county, city, town, village or school district, except a school
27 district under article fifty-two of the education law, that has not
28 acted to remove the exemption under this section may require the owner

1 of a property which includes a solar or wind energy system which meets
2 the requirements of subdivision four of this section, to enter into a
3 contract for payments in lieu of taxes. Such contract may require annual
4 payments in an amount not to exceed the amounts which would otherwise be
5 payable but for the exemption under this section. [If the owner or
6 developer of such a system provides written notification to a taxing
7 jurisdiction of its intent to construct such a system, then in order to
8 require the owner or developer of such system to enter into a contract
9 for payments in lieu of taxes, such taxing jurisdiction must notify such
10 owner or developer of its intent to require a contract for payments in
11 lieu of taxes within sixty days of receiving the written notification.]

12 (c) A county, city, town, village or school district that intends to
13 require a contract for payments in lieu of taxes pursuant to this
14 section shall, prior to execution of such contract, consult with the New
15 York state energy research and development authority in determining the
16 annual payments to be required in such contracts.

17 § 9. The real property tax law is amended by adding a new section
18 575-b to read as follows:

19 § 575-b. Solar or wind energy systems. The assessed value for solar or
20 wind energy system, as such term is defined in section four hundred
21 eighty-seven of this chapter, shall be determined by an income capital-
22 ization or discounted cash flow approach that includes the following:

23 1. An appraisal model identified and published by the department and
24 the New York state energy research and development authority; and

25 2. A discount rate published annually by the department and the New
26 York state energy research and development authority.

1 § 10. The third undesignated paragraph of section 852 of the general
2 municipal law, as amended by chapter 630 of the laws of 1977, is amended
3 to read as follows:

4 It is hereby further declared to be the policy of this state to
5 protect and promote the health of the inhabitants of this state and to
6 increase trade through promoting the development of facilities to
7 provide recreation for the citizens of the state and to attract tourists
8 from other states and to promote the development of renewable energy
9 projects to support the state's renewable energy goals as may be estab-
10 lished or amended from time to time.

11 § 11. Subdivision 4 of section 854 of the general municipal law, as
12 amended by section 6 of part J of chapter 59 of the laws of 2013, is
13 amended to read as follows:

14 (4) "Project" - shall mean any land, any building or other improve-
15 ment, and all real and personal properties located within the state of
16 New York and within or outside or partially within and partially outside
17 the municipality for whose benefit the agency was created, including,
18 but not limited to, machinery, equipment and other facilities deemed
19 necessary or desirable in connection therewith, or incidental thereto,
20 whether or not now in existence or under construction, which shall be
21 suitable for manufacturing, warehousing, research, commercial, renewable
22 energy or industrial purposes or other economically sound purposes iden-
23 tified and called for to implement a state designated urban cultural
24 park management plan as provided in title G of the parks, recreation and
25 historic preservation law and which may include or mean an industrial
26 pollution control facility, a recreation facility, educational or
27 cultural facility, a horse racing facility, a railroad facility, renewa-
28 ble energy project or an automobile racing facility, provided, however,

1 no agency shall use its funds or provide financial assistance in respect
2 of any project wholly or partially outside the municipality for whose
3 benefit the agency was created without the prior consent thereto by the
4 governing body or bodies of all the other municipalities in which a part
5 or parts of the project is, or is to be, located, and such portion of
6 the project located outside such municipality for whose benefit the
7 agency was created shall be contiguous with the portion of the project
8 inside such municipality.

9 § 12. Section 854 of the general municipal law is amended by adding a
10 new subdivision 21 to read as follows:

11 (21) "Renewable energy project" shall mean any project and associated
12 real property on which the project is situated, that utilizes any system
13 or equipment as set forth in section four hundred eighty-seven of the
14 real property tax law or as defined pursuant to paragraph b of subdivi-
15 sion one of section sixty-six-p of the public service law as added by
16 chapter one hundred six of the laws of two thousand nineteen.

17 § 13. The opening paragraph of section 858 of the general municipal
18 law, as amended by chapter 478 of the laws of 2011, is amended to read
19 as follows:

20 The purposes of the agency shall be to promote, develop, encourage and
21 assist in the acquiring, constructing, reconstructing, improving, main-
22 taining, equipping and furnishing industrial, manufacturing, warehous-
23 ing, commercial, research, renewable energy and recreation facilities
24 including industrial pollution control facilities, educational or
25 cultural facilities, railroad facilities, horse racing facilities, auto-
26 mobile racing facilities, renewable energy projects and continuing care
27 retirement communities, provided, however, that, of agencies governed by
28 this article, only agencies created for the benefit of a county and the

1 agency created for the benefit of the city of New York shall be author-
2 ized to provide financial assistance in any respect to a continuing care
3 retirement community, and thereby advance the job opportunities, health,
4 general prosperity and economic welfare of the people of the state of
5 New York and to improve their recreation opportunities, prosperity and
6 standard of living; and to carry out the aforesaid purposes, each agency
7 shall have the following powers:

8 § 14. Paragraph (b) of subdivision 5 of section 859-a of the general
9 municipal law, as added by chapter 563 of the laws of 2015, is amended
10 to read as follows:

11 (b) a written cost-benefit analysis by the agency that identifies the
12 extent to which a project will create or retain permanent, private
13 sector jobs; the estimated value of any tax exemptions to be provided;
14 the amount of private sector investment generated or likely to be gener-
15 ated by the proposed project; the contribution of the project to the
16 state's renewable energy goals and emission reduction targets as set
17 forth in the state energy plan adopted pursuant to section 6-104 of the
18 energy law; the likelihood of accomplishing the proposed project in a
19 timely fashion; and the extent to which the proposed project will
20 provide additional sources of revenue for municipalities and school
21 districts; and any other public benefits that might occur as a result of
22 the project;

23 § 15. Section 859-a of the general municipal law is amended by adding
24 a new subdivision 7 to read as follows:

25 7. Each agency shall consult with and seek advice and assistance from
26 the New York state energy research and development authority, as defined
27 in section eighteen hundred fifty-one of the public authorities law, in
28 calculating payments in lieu of taxes for renewable energy projects.

1 § 16. Subdivision 2 of section 1852 of the public authorities law, as
2 amended by chapter 156 of the laws of 2014, is amended to read as
3 follows:

4 2. The membership of the authority shall consist of [~~thirteen~~] fifteen
5 members, to be as follows: the commissioner of the department of trans-
6 portation, the commissioner of the department of environmental conserva-
7 tion, the chair of the public service commission, the president and
8 chief executive officer of the power authority of the State of New York,
9 and the chair of the New York state urban development corporation, all
10 of whom shall serve ex-officio; and [~~nine~~] ten members appointed by the
11 governor by and with the advice and consent of the senate; one of whom
12 shall be an engineer or a research scientist with a degree in the phys-
13 ical sciences or engineering who has not been employed in the nuclear
14 fission field for three years preceding the appointment and who shall
15 not be so employed during his or her term; one of whom shall have
16 significant expertise in the siting of renewable energy facilities who
17 has not been employed by a renewable energy generator for three years
18 preceding the appointment and whom shall not be so employed during his
19 or her term; one of whom shall be an economist who shall not have
20 received more than one-tenth of his or her income from an electric util-
21 ity or gas utility for three years preceding the appointment and who
22 shall not so derive more than one-tenth of his or her income during such
23 term; one of whom who shall be a member of a not-for-profit environ-
24 mental group; one of whom shall be a member of a not-for-profit consumer
25 group; one of whom who shall be an officer of a utility primarily
26 engaged in the distribution of gas; and one of whom shall be an officer
27 of an electric utility. The governor shall designate the chair. Of the
28 nine members appointed by the governor, two shall be appointed for terms

1 expiring April first, nineteen hundred seventy-eight, two for terms
2 expiring April first, nineteen hundred eighty, two for terms expiring
3 April first, nineteen hundred eighty-one, and three for terms expiring
4 April first, nineteen hundred eighty-two. Persons appointed by the
5 governor for full terms as successors to such members shall serve for
6 terms of six years each commencing as of April first. In the event of a
7 vacancy occurring in the office of a member by death, resignation or
8 otherwise, the governor shall appoint a successor, by and with the
9 advice and consent of the senate, to serve the balance of the unexpired
10 term.

11 § 17. The opening paragraph of section 1854 of the public authorities
12 law, as amended by chapter 558 of the laws of 1980, is amended to read
13 as follows:

14 The purposes of the authority shall be to work in collaboration with
15 the department of economic development, the New York state urban devel-
16 opment corporation and any of their affiliates, to develop, invest in
17 and implement new energy technologies and projects consistent with
18 economic development and investment, social and environmental objec-
19 tives, to develop and encourage energy conservation technologies and
20 projects, to promote, develop, invest in, encourage and assist in the
21 acquiring, constructing, improving, maintaining, equipping and furnish-
22 ing of industrial, manufacturing, warehousing, commercial, research and
23 industrial pollution control facilities at the Saratoga Research and
24 Development Center, and to promote, develop, encourage and assist
25 special energy projects and thereby advance job opportunities, health,
26 general prosperity and economic welfare of the people of the state of
27 New York. In carrying out such purposes, the authority shall, with
28 respect to the activities specified, have the following powers:

1 § 18. Article 8 of the public authorities law is amended by adding a
2 new title 9-B to read as follows:

3 Title 9-B

4 CLEAN ENERGY RESOURCES DEVELOPMENT AND INCENTIVES PROGRAM

5 Section 1900. Statement of legislative intent.

6 1901. Definitions.

7 1902. Powers and duties.

8 1903. Eligibility.

9 1904. Funding.

10 § 1900. Statement of legislative intent. It is the intent of the
11 legislature in enacting this title to empower the New York state energy
12 research and development authority to establish effective programs and
13 other mechanisms to: (1) foster and encourage the orderly and expedient
14 siting and development of major renewable energy facilities consistent
15 with applicable law for the purpose of enabling the state to meet emis-
16 sions, renewable energy and other targets in the New York state climate
17 leadership and community protection act; (2) incentivize the re-use of
18 previously developed sites to protect the value of taxable land, capi-
19 talize on existing infrastructure; and (3) support the provision of
20 reasonable benefits to communities that host major renewable energy
21 facilities.

22 § 1901. Definitions. As used in this title, the following terms shall
23 have the following meanings:

24 1. "Act" means the accelerated renewable energy growth and community
25 benefit act.

26 2. "Authority" shall have the same meaning as in subdivision two of
27 section eighteen hundred fifty-one of this article.

28 3. "Commission" shall mean the public service commission.

1 4. "Departments" shall mean the department of environmental conserva-
2 tion, the department of agriculture and markets, the department of
3 economic development and the department of public service.

4 5. "Host community" shall mean any municipality within which a major
5 renewable energy facility, or any portion thereof, has been proposed for
6 development.

7 6. "Major renewable energy facility" shall mean facilities as defined
8 in subdivision six of section four hundred fifty-three of the economic
9 development law and facilities intending or anticipating to be consid-
10 ered as major renewable energy facilities pursuant to subdivision five
11 of section four hundred fifty-seven of the economic development law.

12 7. "Municipality" shall mean a county, city, town or village or poli-
13 tical subdivision.

14 8. "Build-ready site" shall mean a site for which the authority has
15 secured permits, property interests, agreements and/or other authori-
16 zations which the authority determines are reasonably adequate under the
17 circumstances in order to offer such site for further development,
18 construction and operation in accordance with the other provisions of
19 this title.

20 § 1902. Powers and duties. The authority is hereby authorized and
21 directed to undertake such actions it deems necessary or convenient to
22 foster and encourage the siting and development of major renewable ener-
23 gy facilities at appropriate locations throughout the state in accord-
24 ance with this title, work in collaboration with the New York state
25 urban development corporation and any of their affiliates, including
26 without limitation:

27 1. (a) Locate, identify and assess sites within the state that appear
28 suitable for the development of major renewable energy facilities

1 including for the specific purpose of producing build-ready sites. Such
2 assessment may include but need not be limited to the following consid-
3 erations:

4 (i) natural conditions at the site that are favorable to renewable
5 energy generation;

6 (ii) current land uses at or near the site;

7 (iii) environmental conditions at or near the site;

8 (iv) the availability and characteristics of any transmission or
9 distribution facilities on or near the site that could be used to facil-
10 itate the delivery of energy from the site, including existing or poten-
11 tial constraints on such facilities;

12 (v) the potential for the development of energy storage facilities at
13 or near the site;

14 (vi) potential impacts of development on disadvantaged communities;
15 and

16 (vii) expressions of commercial interest in the site or general
17 location by developers of major renewable energy facilities.

18 (b) In making such assessment the authority is authorized to and to
19 give priority to existing or abandoned commercial uses, including with-
20 out limitation brownfields, landfills, former commercial or industrial
21 sites, and abandoned or otherwise underutilized sites;

22 2. Notwithstanding any provision of law to the contrary, negotiate and
23 enter into agreements with persons who own or control interests in
24 favorable sites for the purpose of securing the rights and interests
25 necessary to enable the authority to establish build-ready sites;

26 3. Establish procedures and protocols for the purpose of establishing
27 build-ready sites;

1 4. Undertake all work and secure such permits as the authority deems
2 necessary or convenient to facilitate the process of establishing build-
3 ready sites and for the transfer of the build-ready sites to developers
4 selected pursuant to the process authorized by this title or any other
5 process authorized by law;

6 5. Notwithstanding any other law to the contrary, including title
7 five-A of article nine of this chapter, establish a program, including
8 eligibility and other criteria, pursuant to which the authority would,
9 through a competitive process, transfer rights and other interests in
10 build-ready sites and development rights to developers for the purpose
11 of facilitating the development of major renewable energy facilities on
12 such build-ready sites. Such transactions may include the transfer of
13 rights, interests and obligations existing under agreements providing
14 for host community benefits negotiated by the authority pursuant to
15 programs established pursuant to subdivision six of this section on such
16 terms and conditions as the authority deems appropriate;

17 6. Establish one or more programs pursuant to which property owners
18 and communities would receive incentives to host major renewable energy
19 facilities developed for the purpose of advancing the state policies
20 embodied in this article. Such program may include without limitation,
21 and notwithstanding any other provision of law to the contrary,
22 provisions for the authority to negotiate and enter into agreements with
23 property owners and host communities providing for incentives, including
24 a payment in lieu of taxes, the transfer of the authority's interests in
25 such agreements to developers to whom build-ready sites are transferred,
26 and the provision of information and guidance to stakeholders concerning
27 incentives;

1 7. Procure the services of one or more service providers, including
2 without limitation environmental consultants, engineers and attorneys,
3 to support the authority's responsibilities under this section and
4 perform such other functions as the authority deems appropriate;

5 8. In consultation with the department of economic development, the
6 department of labor and other state agencies and authorities having
7 experience with job training programs, assess the need for and avail-
8 ability of workforce training in the local area of build-ready sites to
9 support renewable energy development with special attention to disadvan-
10 tagged communities and, subject to available funding, establish one or
11 more programs pursuant to which financial support can be made available
12 for the local workforce and under-employed populations in the area;

13 9. Manage, allocate and spend any monies made available to the author-
14 ity in furtherance of this title as the authority determines to be
15 appropriate for the proper administration of programs created pursuant
16 to this title;

17 10. Where the authority determines that it would be beneficial to the
18 policy embodied in this title, the authority may offer financing or
19 other incentives to eligible developers, including without limitation
20 measures and activities undertaken by the authority in conjunction with
21 its administration of the state's clean energy standard or similar
22 program as established in commission orders, including without limita-
23 tion orders issued in commission case number 15-E-0302;

24 11. Request and receive the assistance of, the departments or any
25 other state agency or authority, within their respective relevant
26 subject matter expertise, to support the administration of the program
27 created pursuant to this title; and

1 12. Exercise such other powers and take all other actions the authori-
2 ty deems necessary or convenient for the proper administration of the
3 program created pursuant to this title.

4 § 1903. Eligibility. The authority may establish and revise any eligi-
5 bility and evaluation criteria it deems appropriate for the proper
6 administration of the programs created pursuant to this title.

7 § 1904. Funding. 1. The authority may seek funding from any authorized
8 or other available source to administer this program.

9 2. Without limiting the foregoing, the authority may submit a petition
10 or other appropriate filing to the commission describing the activities
11 it has taken and plans to undertake in furtherance of the policy
12 embodied in this title. Such filing may include a request for funding to
13 allow such activities to proceed promptly and for a period of at least
14 five years from the date of the order responding to such petition. The
15 commission shall, in accordance with and as promptly as authorized by
16 existing law and regulation but in no event more than four months
17 following the submission of the petition, issue an order responding to
18 such petition subject to any necessary and reasonable limitations based
19 on the public service law.

20 § 19. State power grid study and program to achieve CLCPA targets. 1.
21 As used in this section:

22 (a) "CLCPA targets" means the public policies established in the
23 climate leadership and community protection act enacted in chapter 106
24 of the laws of 2019, including the requirements that a minimum of 70%
25 statewide electric generation be produced by renewable energy systems by
26 2030, by the year 2040 the statewide electrical demand system will
27 generate zero emissions, and the state's jurisdictional load serving
28 entities will procure at least 9 gigawatts of offshore wind electricity

1 generation by 2035, six gigawatts of photovoltaic solar generation by
2 2025, and support 3 gigawatts of statewide energy storage capacity by
3 2030, as such policies may from time to time be amended.

4 (b) "Commission" means the public service commission.

5 (c) "Department" means the department of public service.

6 (d) "Distribution upgrade" means a new distribution facility or an
7 improvement, enhancement, replacement, or other modification to the
8 electric power grid at the distribution level in a utility's service
9 territory that facilitates achievement of the CLCPA targets.

10 (e) "Local transmission upgrade" means a new transmission facility
11 that is identified within a utility's local transmission capital plan,
12 an upgrade to local transmission facility as defined in the tariff of
13 the state grid operator, or an improvement, enhancement, replacement, or
14 other modification to a transmission facility in a utility's service
15 territory that facilitates achievement of the CLCPA targets.

16 (f) "Major renewable energy facility" has the same meaning as in
17 subdivision 6 of section 453 of the economic development law.

18 (g) "Bulk transmission investment" means a new transmission facility
19 or an improvement, enhancement, replacement, or other modification to
20 the state's bulk electric transmission grid that facilitates achievement
21 of the CLCPA targets and includes without limitation alternating current
22 facilities and high voltage direct current facilities, including subma-
23 rine transmission facilities.

24 (h) "State grid operator" means the federally designated electric bulk
25 system operator for New York state.

26 (i) "Utility" means an electric transmission or delivery utility or
27 any other person owning or maintaining an electric transmission or
28 delivery system, over which the commission has jurisdiction.

1 2. The department, in consultation with the New York state energy
2 research and development authority, the power authority of the state of
3 New York, the Long Island power authority, the state grid operator, and
4 the utilities shall undertake a comprehensive study for the purpose of
5 identifying distribution upgrades, local transmission upgrades and bulk
6 transmission investments that are necessary or appropriate to facilitate
7 the timely achievement of the CLCPA targets (collectively, "power grid
8 study"). The power grid study shall address needed distribution upgrades
9 and local transmission upgrades for each utility service territory and
10 separately address needed bulk transmission system investments. In
11 performing the study, the department may consider such issues it deter-
12 mines to be appropriate including by way of examples system reliability;
13 safety; cost-effectiveness of upgrades and investments in promoting
14 development of major renewable energy facilities and relieving or avoid-
15 ing constraints; and factors considered by the office of renewable ener-
16 gy siting in issuing and enforcing renewable energy siting permits
17 pursuant to article 23 of the economic development law. In carrying out
18 the study, the department is authorized to gather input from owners and
19 developers of competitive transmission projects, the state grid opera-
20 tor, and providers of transmission technology and smart grid solutions,
21 and to utilize information available to the department from other perti-
22 nent studies or research relating to modernization of the state's power
23 grid. To enable the state to meet the CLCPA targets in an orderly and
24 cost-effective manner, the department may issue findings and recommenda-
25 tions as part of the power grid study at reasonable intervals but shall
26 make an initial report of findings and recommendations within 270 days
27 of the effective date of this section.

1 3. The commission shall, within 30 days of the initial findings and
2 recommendations required by subdivision 2 of this section, or at such
3 earlier time as the commission determines to be appropriate, commence a
4 proceeding to establish a distribution and local transmission capital
5 plan for each utility in whose service territory the power grid study
6 identified distribution upgrades and local transmission upgrades that
7 the department determines are necessary or appropriate to achieve the
8 CLCPA targets (the "state distribution and local transmission upgrade
9 programs"). The state distribution and local transmission upgrade
10 programs shall establish a prioritized schedule upon which each such
11 upgrade shall be accomplished. Concurrently, the Long Island power
12 authority shall establish a capital program to address identified
13 distribution and local transmission upgrades in its service territory.

14 4. The commission shall, within thirty days of the initial findings
15 and recommendations required by subdivision 2 of this section, commence
16 a proceeding to establish a bulk transmission system investment program
17 that identifies bulk transmission investments that the commission deter-
18 mines are necessary or appropriate to achieve the CLCPA targets (the
19 "state bulk transmission investment plan"). The commission shall estab-
20 lish a prioritized schedule for implementation of the state bulk trans-
21 mission investment plan, and in particular shall identify projects which
22 shall be completed expeditiously to meet the CLCPA targets. The commis-
23 sion shall periodically review and update the state bulk transmission
24 investment plan, and its designation of projects in that plan which
25 shall be completed expeditiously. The state bulk transmission invest-
26 ment plan shall be submitted by the commission to the state grid opera-
27 tor for appropriate incorporation into the state grid operator's studies
28 and plans.

1 5. The legislature finds and determines that timely development of the
2 bulk transmission investments identified in the state bulk transmission
3 investment plan is in the public interest of the people of the state of
4 New York. The legislature further finds and determines that the power
5 authority of the state of New York owns and operates backbone electric
6 transmission assets in New York, has rights-of-way that can support in
7 whole or in part bulk transmission investment projects, and has the
8 financial stability, access to capital, technical expertise and experi-
9 ence to effectuate expeditious development of bulk transmission invest-
10 ments needed to help the state meet the CLCPA targets, and thus it is
11 appropriate for the power authority of the state of New York, subject to
12 the approval of its trustees, by itself or in collaboration with other
13 parties as it determines to be appropriate, to develop those bulk trans-
14 mission improvements found by the commission to be needed expeditiously
15 to achieve CLCPA targets.

16 6. For the state distribution and local transmission upgrade program,
17 the commission shall address implementation of such upgrades pursuant to
18 the existing processes under the public service law. The department
19 shall also make recommendations to the Long Island power authority for
20 upgrades for purposes of assisting the state to achieve the CLCPA
21 targets.

22 7. No later than January 1, 2023, and every 4 years thereafter, the
23 commission shall, after notice and provision for the opportunity to
24 comment, issue a comprehensive review of the actions taken pursuant to
25 this section and their impacts on grid congestion and achievement of the
26 CLCPA targets, and shall institute new proceedings as the commission
27 determines to be necessary to address any deficiencies identified there-
28 with.

1 8. The power authority of the state of New York and the New York state
2 energy research and development authority, are each authorized, as
3 deemed feasible and advisable by their respective boards, to contribute
4 to the cost of the power grid study required by subdivision 2 of this
5 section.

6 9. The power authority of the state of New York is authorized and
7 directed to use existing rights-of-way when undertaking bulk trans-
8 mission investments identified in the state bulk transmission investment
9 plan.

10 10. Nothing in this section is intended to:

11 (a) limit, impair, or affect the legal authority of the power authori-
12 ty that existed as of the effective date of this section; or

13 (b) limit the authority of the power authority to undertake any trans-
14 mission project, including bulk transmission investments, and recover
15 costs under any other process or procedure authorized by state or feder-
16 al law as the authority determines to be appropriate.

17 § 20. Host community benefit. 1. Definitions. As used in this section,
18 the following terms shall have the following meanings:

19 (a) "Renewable host community" shall mean any municipality within
20 which a major renewable energy facility defined in article 23 of the
21 economic development law, or any portion thereof, has been proposed for
22 development.

23 (b) "Renewable owner" shall mean the owner of a major renewable energy
24 facility constructed after the effective date of this section that is
25 proposed to be located in a host community, for which the New York state
26 energy research and development authority has executed an agreement for
27 the acquisition of environmental attributes related to a solicitation
28 issued by such authority after the effective date of this section.

1 (c) "Utility" means an electric distribution utility regulated pursu-
2 ant to section 66 of the public service law and serving customers within
3 a host community.

4 2. The public service commission shall, within 60 days from the effec-
5 tive date hereof, commence a proceeding to establish a program under
6 which renewable owners would fund a program to provide a discount or
7 credit on the utility bills of the utility's customers in a renewable
8 host community, or a compensatory or environmental benefit to such
9 customers. Such proceeding shall determine the amount of such discount,
10 credit, compensatory or environmental benefit based on all factors
11 deemed appropriate by the commission, including the expected average
12 electrical output of the facility, the average number of customers with-
13 in the renewable host community, and the expected aggregate annual elec-
14 tric consumption within such renewable host community, the potential
15 impact on disadvantaged communities, and the role of utilities, if any,
16 in implementing any aspect of such program. The Long Island power
17 authority shall establish a program for renewable facilities in its
18 service territory to achieve the same objectives.

19 § 21. Subdivision 3 of section 123 of the public service law, as added
20 by chapter 252 of the laws of 2002, is amended to read as follows:

21 3. Unless otherwise stipulated by the applicant[, a final determi-
22 nation regarding an application for a certificate to construct trans-
23 mission facilities for interconnection with a wind energy production
24 facility located in the county of Lewis shall be rendered within six
25 months from the date of receipt of a compliant application.]:

26 (a) proceedings on an application for a major utility transmission
27 facility as defined in paragraph a of subdivision two of section one
28 hundred twenty of this article shall be completed in all respects,

1 including a final decision by the commission, within twelve months from
2 the date of a determination by the secretary of the commission that an
3 application complies with section one hundred twenty-two of this arti-
4 cle; provided, however, the commission may extend the deadline in
5 reasonable circumstances by no more than six months in order to give
6 consideration to specific issues necessary to develop an adequate
7 record, because the applicant has been unable to obtain necessary
8 approvals and/or consents related to highway crossings or for other
9 reasons deemed in the public interest. The commission shall render a
10 final decision on the application by the aforementioned deadlines unless
11 such deadlines are waived by the applicant or if the applicant notices
12 the application for settlement, in which case the timeframes established
13 in this paragraph are tolled until such time that settlement discussions
14 are suspended. If, at any time subsequent to the commencement of the
15 hearing, there is a substantive and significant amendment to the appli-
16 cation, the deadlines may be extended by no more than six months, unless
17 such deadline is waived by the applicant, to consider such amendment.

18 (b) the commission shall promulgate rules or regulations to establish
19 an expedited process for proceedings on applications for a major utility
20 transmission facility as defined in paragraph a of subdivision two of
21 section one hundred twenty of this article that (i) would be constructed
22 within existing rights of way, (ii) the commission determines would not
23 result in any significant adverse environmental impacts considering
24 current uses and conditions existing at the site, or (iii) would neces-
25 sitate expanding the existing rights-of-way but such expansion is only
26 for the purpose of complying with law, regulations, or industry prac-
27 tices relating to electromagnetic fields.

1 (c) for purposes of this subdivision, the following terms shall have
2 the following meanings:

3 (i) "Expedited process" shall mean a process for proceedings on appli-
4 cations for a major electric transmission facility that is completed in
5 all respects, including a final decision by the commission, within nine
6 months from the date of a determination by the secretary of the commis-
7 sion that an application complies with section one hundred twenty-two of
8 this article; provided, however, that if the applicant notices the
9 application for settlement, the timeframe established in this paragraph
10 shall be tolled until such time that settlement discussions are
11 suspended.

12 (ii) "Right-of-way" shall mean (a) real property that is used or
13 authorized to be used for electric utility purposes, or (b) real proper-
14 ty owned or controlled by or under the jurisdiction of the state, a
15 distribution utility, or a state public authority including by means of
16 ownership, lease or easement, that is used or authorized to be used for
17 transportation or canal purposes.

18 § 22. Paragraphs (c) and (d) of subdivision 1 of section 126 of the
19 public service law, paragraph (c) as amended by chapter 406 of the laws
20 of 1987 and paragraph (d) as amended by chapter 521 of the laws of 2015,
21 are amended, paragraph (h) of subdivision 1 is relettered paragraph (i)
22 and a new paragraph (h) is added to read as follows:

23 (c) that the facility [represents the minimum] minimizes to the extent
24 practicable any significant adverse environmental impact, considering
25 the state of available technology and the nature and economics of the
26 various alternatives, and other pertinent considerations including but
27 not limited to, the effect on agricultural lands, wetlands, parklands
28 and river corridors traversed;

1 (d) that the facility [represents a minimum] minimizes to the extent
2 practicable any significant adverse impact on active farming operations
3 that produce crops, livestock and livestock products, as defined in
4 section three hundred one of the agriculture and markets law, consider-
5 ing the state of available technology and the nature and economics of
6 various alternatives, and the ownership and easement rights of the
7 impacted property;

8 (h) with respect to any bulk transmission investment identified in the
9 state bulk transmission investment plan developed under the act that
10 added this subdivision for which the commission has found that expe-
11 ditious construction is necessary to meet the climate leadership and
12 community protection act targets and for which the power authority of
13 the state of New York alone or in collaboration with other parties is
14 the applicant;

15 § 23. Notwithstanding any other law to the contrary, including
16 sections 2879-a and 2897 of the public authorities law, the power
17 authority of the state of New York, the Long Island power authority and
18 the New York state energy research and development authority may each
19 negotiate and enter into agreements with other parties providing for the
20 conveyance of interests in real property provided that in the case of
21 any such conveyance such entity determines that the conveyance will
22 further the purposes of this act or provide other benefits to the entity
23 or the state.

24 § 24. The environmental conservation law is amended by adding a new
25 section 11-0535-c to read as follows:

26 § 11-0535-c. Endangered and threatened species mitigation bank fund.

27 1. The department is hereby authorized to utilize funds in the endan-
28 gered and threatened species mitigation bank fund, established pursuant

1 to section ninety-nine-hh of the state finance law, for the purposes of
2 facilitating the achievement of a net conservation benefit to endangered
3 or threatened species which may be impacted by the construction or oper-
4 ation of a major renewable energy facility or other jurisdictional
5 activities reviewed by the department pursuant to this title.

6 2. Such fund shall consist of contributions, in an amount determined
7 by the department, deposited by an applicant granted a permit pursuant
8 to this title or otherwise given approval for projects which may have an
9 impact on endangered or threatened species, including a siting permit to
10 construct a major renewable energy facility, where such applicant has
11 been ordered to mitigate harm to a threatened or endangered species or
12 its habitat.

13 3. In administering the provisions of this article, the commissioner:

14 a. May, in the name of the state, enter into contracts with not-for-
15 profit corporations, private or public universities, and private
16 contractors for services contemplated by this title. Such contracts
17 shall be subject to approval by the state comptroller and, as to form,
18 by the attorney general.

19 b. Shall approve vouchers for payments pursuant to an approved
20 contract. All such payments shall be paid on the audit and warrant of
21 the state comptroller;

22 c. May, in the name of the state, enter into contracts with a not-for-
23 profit corporation to administer grants made pursuant to this title,
24 including the approval and payment of vouchers for approved contracts;
25 and

26 d. May perform such other and further acts as may be necessary, prop-
27 er, or desirable to carry out the provisions of this article.

1 4. Nothing in this article shall be construed to limit or restrict any
2 powers of the commissioner or any other agency pursuant to any other
3 provision of law.

4 5. The commissioner is authorized and directed to promulgate any regu-
5 lations deemed necessary to implement this section.

6 § 25. The state finance law is amended by adding a new section 99-hh
7 to read as follows:

8 § 99-hh. Endangered and threatened species mitigation bank fund. 1.
9 There is hereby established in the joint custody of the comptroller and
10 the commissioner of taxation and finance a special fund to be known as
11 the "Endangered and threatened species mitigation bank fund".

12 2. Such fund shall consist of all revenues received pursuant to the
13 provisions of section 11-0535-c of the environmental conservation law
14 and all other moneys appropriated, credited, or transferred thereto from
15 any other fund or source pursuant to law.

16 3. All moneys deposited in the endangered and threatened species miti-
17 gation bank fund shall be available for projects undertaken to facili-
18 tate a net conservation benefit to endangered and threatened species
19 potentially impacted by approvals provided by the department for activ-
20 ities, such as construction of a major renewable energy facility or by
21 any other proposed activities as determined by the department pursuant
22 to subdivision one of section 11-0535-c of the environmental conserva-
23 tion law.

24 4. Monies shall be payable from the fund on the audit and warrant of
25 the comptroller on vouchers approved and certified by the commissioner
26 of environmental conservation.

27 § 26. Severability. If any clause, sentence, paragraph, section or
28 part of this act shall be adjudged by any court of competent jurisdic-

1 tion to be invalid, such judgment shall not affect, impair or invalidate
2 the remainder thereof, but shall be confined in its operation to the
3 clause, sentence, paragraph, section or part thereof directly involved
4 in the controversy in which such judgment shall have been rendered.

5 § 27. This act shall take effect immediately.