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 __

Section 1. This act shall be known as the "accelerated renewable energy growth and community benefit act".

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

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

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

   (b) directed the public service commission ("commission") to establish programs to require that a minimum of 70% statewide electric generation be produced by renewable energy systems by 2030, and that by the year
2040 the statewide electrical demand system will generate zero emissions; and

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

2. In order to achieve the CLCPA targets, the state shall take appropriate action to ensure that:

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

b) renewable energy can be efficiently and cost effectively injected into the state's distribution and transmission system for delivery to regions of the state where it is needed. In particular, the state shall provide for timely construction of new, expanded and upgraded distribution and transmission infrastructure as may be needed to access and deliver renewable energy resources, which may include alternating current transmission facilities, high voltage direct current transmission infrastructure facilities, and submarine transmission facilities needed to interconnect off-shore renewable generation resources to the state's transmission system.

3. A public policy purpose would be served and the interests of the people of the state would be advanced by directing the public service commission to make a comprehensive study of the state's power grid to identify distribution and transmission infrastructure needed to enable the state to meet the CLCPA targets, and based on such study, develop definitive plans that: (a) provide for the timely development of local transmission and distribution system upgrades by the state's regulated
utilities and the Long Island power authority; (b) identify bulk transmission investments that should be undertaken, including projects that should be undertaken immediately and on an expedited basis by the power authority of the state of New York; and (c) otherwise advance the policies of this act.

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

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

(b) making available to developers of clean generation resources build-ready sites for the construction and operation of such renewable energy facilities;

(c) developing uniform permit standards and conditions that are applicable to classes and categories of renewable energy facilities, that reflect the environmental benefits of such facilities and addresses common conditions necessary to minimize impacts to the surrounding community and environment;

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

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

(f) incentivizing the re-use or adaptation of sites with existing or abandoned commercial or industrial uses, such as brownfields, landfills, and former commercial or industrial sites, for the development of major
renewable energy facilities and to restore and protect the value of taxable land and leverage existing resources; and

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

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

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

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

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

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

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

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

46-a. The department, by and through the commissioner, shall be authorized to conduct hearings and dispute resolution proceedings, issue permits, and adopt such rules, regulations and procedures as may be necessary, convenient, or desirable to effectuate the purposes of article twenty-three of this chapter.
§ 6. The economic development law is amended by adding a new article 23 to read as follows:

ARTICLE 23

MAJOR RENEWABLE ENERGY DEVELOPMENT PROGRAM

Section 451. Purpose.

§ 453. Definitions.

1. "Commissioner" shall mean the commissioner of the department of economic development.

2. "CLCPA targets" shall mean the public policies established in the climate leadership and community protection act enacted in chapter one hundred six of the laws of two thousand nineteen, including the requirement that a minimum of seventy percent of the statewide electric generation be produced by renewable energy systems by two thousand thirty,
that by the year two thousand forty the statewide electrical demand system will generate zero emissions and the procurement of at least nine gigawatts of offshore wind electricity generation by two thousand thirty-five, six gigawatts of photovoltaic solar generation by two thousand twenty-five and to support three gigawatts of statewide energy storage capacity by two thousand thirty.

3. "Local agency account" or "account" shall mean the account established by the department pursuant to section four hundred sixty-three of this article.

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

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

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

7. "Major renewable energy facility" means any renewable energy system, as such term is defined in section sixty-six-p of the public service law as added by chapter one hundred six of the laws of two thousand nineteen, with a nameplate generating capacity of twenty-five thousand kilowatts or more, and any co-located system storing energy generated from such a renewable energy system prior to delivering it to the bulk transmission system, including all associated appurtenances to electric plants as defined under section two of the public service law, including electric transmission facilities of any capacity or length in order to provide access to load and to integrate such facilities into the state's bulk electric transmission system.
8. "Siting permit" shall mean the major renewable energy facility siting permit established pursuant to this article and the rules and regulations promulgated by the department.

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

2. The office shall establish a set of uniform standards and conditions for the siting, design, construction and operation of major renewable energy facilities relevant to issues that are common for particular classes and categories of major renewable energy facilities, in consultation with the New York state energy research and development authority, the department of environmental conservation, the department of public service, the department of agriculture and markets, and other relevant state agencies and authorities with subject matter expertise.

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

4. In its review of an application for a permit to develop a major renewable energy facility, the office shall identify those site-specific environmental impacts, if any, that may be caused or exacerbated by a specific proposed major renewable energy facility and are unable to be
addressed in accordance with the uniform standards and conditions. Where appropriate, the department shall draft site specific permit terms and conditions for such impacts, including provisions for the mitigation thereof, taking into account the CLCPA targets and the environmental benefits of the proposed major renewable energy facility. Such terms and conditions may provide for an applicant's payment of a specified amount in lieu of physical mitigation. Amounts paid by an applicant pursuant to such terms and conditions for mitigation of impacts to endangered and threatened species shall be deposited into the endangered and threatened species mitigation fund established pursuant to section ninety-nine-hh of the state finance law.

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

6. At the request of the office, all other state agencies and authorities are hereby authorized to provide support and render services to the office within their respective functions.

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

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

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

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

5. This article shall not apply:

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

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

(c) to a major renewable energy facility if, on or before the effective date of this article, an application has been made or granted for a license, permit, certificate, consent or approval from any federal, state or local commission, agency, board or regulatory body, including
article ten of the public service law, in which application the location
of the major renewable energy facility has been designated by the appli-
cant, except in the case of a person who elects to be subject to this
article as authorized by paragraph e of subdivision four of section one
hundred sixty-two of the public service law.

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

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

§ 459. Application and review. 1. Until the department establishes
uniform standards and conditions required by section four hundred
fifty-five of this article or promulgates regulations specifying the
content of an application for a siting permit, an application for a siting permit submitted to the department shall conform substantially to the form and content of an application required by section one hundred sixty-four of the public service law.

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

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

b. For any municipality, political subdivision or an agency thereof that has received notice of the filing of an application, the municipality shall within the timeframes established by this subdivision submit a statement to the office indicating whether the proposed facility is designed to operate in compliance with applicable local laws and regulations, if any, concerning the environment, public health and safety.

4. General expressions of disagreement with or general opposition to the siting, design, construction and/or operation of a major renewable energy facility during the public comment period shall not be considered
to be substantive or significant for purposes of this section. If public
comment on a draft permit condition published by the department pursuant
to this section, including comments provided by a municipality, raises a
substantive and significant issue that requires adjudication, the
department shall promptly fix a date for hearing to hear arguments and
consider evidence with respect thereto.

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

6. In all respects, and notwithstanding any other deadline made appli-
cable by this article, the office shall make a final decision on a
siting permit for any major renewable energy project within one year
from the date the application was deemed complete, or within six months
from the date the application was deemed complete if the major renewable
energy facility is proposed to be sited on an existing or abandoned
commercial use, including without limitation, brownfields, landfills,
former commercial or industrial sites, and abandoned or otherwise under-
utilized sites, as further defined by the regulations promulgated by
this article. If a final siting permit decision has not been made by the
office within such time period then such siting permit shall be deemed
to have been automatically granted for all purposes set forth in this article and all uniform conditions or site specific permit conditions issued for public comment shall constitute enforceable provisions of the siting permit.

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

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

2. This article shall not impair or abrogate any federal, state or local labor laws or any otherwise applicable state law for the
protection of employees engaged in the construction and operation of a major renewable energy facility.

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

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

3. With respect to a person who has filed an application for a siting permit pursuant to section four hundred fifty-seven of this article, the department of public service is hereby directed to refund to that person any amounts held in an intervenor account established pursuant to articles seven and ten of the public service law, as applicable, and with
respect to such persons, the office shall address the appropriate treat-
ment of funds already disbursed from the intervenor fund in taking and
assessing application fees pursuant to this section.

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

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

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

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

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

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

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

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

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

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

2. A discount rate published annually by the department and the New
York state energy research and development authority.
§ 10. The third undesignated paragraph of section 852 of the general municipal law, as amended by chapter 630 of the laws of 1977, is amended to read as follows:

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

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

(4) "Project" - shall mean any land, any building or other improvement, and all real and personal properties located within the state of New York and within or outside or partially within and partially outside the municipality for whose benefit the agency was created, including, but not limited to, machinery, equipment and other facilities deemed necessary or desirable in connection therewith, or incidental thereto, whether or not now in existence or under construction, which shall be suitable for manufacturing, warehousing, research, commercial, renewable energy or industrial purposes or other economically sound purposes identified and called for to implement a state designated urban cultural park management plan as provided in title G of the parks, recreation and historic preservation law and which may include or mean an industrial pollution control facility, a recreation facility, educational or cultural facility, a horse racing facility, a railroad facility, renewable energy project or an automobile racing facility, provided, however,
no agency shall use its funds or provide financial assistance in respect
of any project wholly or partially outside the municipality for whose
benefit the agency was created without the prior consent thereto by the
governing body or bodies of all the other municipalities in which a part
or parts of the project is, or is to be, located, and such portion of
the project located outside such municipality for whose benefit the
agency was created shall be contiguous with the portion of the project
inside such municipality.

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

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

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

The purposes of the agency shall be to promote, develop, encourage and
assist in the acquiring, constructing, reconstructing, improving, main-
taining, equipping and furnishing industrial, manufacturing, warehous-
ing, commercial, research, renewable energy and recreation facilities
including industrial pollution control facilities, educational or
cultural facilities, railroad facilities, horse racing facilities, auto-
mobile racing facilities, renewable energy projects and continuing care
retirement communities, provided, however, that, of agencies governed by
this article, only agencies created for the benefit of a county and the
agency created for the benefit of the city of New York shall be authorized to provide financial assistance in any respect to a continuing care retirement community, and thereby advance the job opportunities, health, general prosperity and economic welfare of the people of the state of New York and to improve their recreation opportunities, prosperity and standard of living; and to carry out the aforesaid purposes, each agency shall have the following powers:

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

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

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

7. Each agency shall consult with and seek advice and assistance from the New York state energy research and development authority, as defined in section eighteen hundred fifty-one of the public authorities law, in calculating payments in lieu of taxes for renewable energy projects.
§ 16. Subdivision 2 of section 1852 of the public authorities law, as amended by chapter 156 of the laws of 2014, is amended to read as follows:

2. The membership of the authority shall consist of [thirteen] fifteen members, to be as follows: the commissioner of the department of transportation, the commissioner of the department of environmental conservation, the chair of the public service commission, the president and chief executive officer of the power authority of the State of New York, and the chair of the New York state urban development corporation, all of whom shall serve ex-officio; and [nine] ten members appointed by the governor by and with the advice and consent of the senate; one of whom shall be an engineer or a research scientist with a degree in the physical sciences or engineering who has not been employed in the nuclear fission field for three years preceding the appointment and who shall not be so employed during his or her term; one of whom shall have significant expertise in the siting of renewable energy facilities who has not been employed by a renewable energy generator for three years preceding the appointment and whom shall not be so employed during his or her term; one of whom shall be an economist who shall not have received more than one-tenth of his or her income from an electric utility or gas utility for three years preceding the appointment and who shall not so derive more than one-tenth of his or her income during such term; one of whom who shall be a member of a not-for-profit environmental group; one of whom shall be a member of a not-for-profit consumer group; one of whom who shall be an officer of a utility primarily engaged in the distribution of gas; and one of whom shall be an officer of an electric utility. The governor shall designate the chair. Of the nine members appointed by the governor, two shall be appointed for terms
expiring April first, nineteen hundred seventy-eight, two for terms expiring April first, nineteen hundred eighty, two for terms expiring April first, nineteen hundred eighty-one, and three for terms expiring April first, nineteen hundred eighty-two. Persons appointed by the governor for full terms as successors to such members shall serve for terms of six years each commencing as of April first. In the event of a vacancy occurring in the office of a member by death, resignation or otherwise, the governor shall appoint a successor, by and with the advice and consent of the senate, to serve the balance of the unexpired term.

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

The purposes of the authority shall be to work in collaboration with the department of economic development, the New York state urban development corporation and any of their affiliates, to develop, invest in and implement new energy technologies and projects consistent with economic development and investment, social and environmental objectives, to develop and encourage energy conservation technologies and projects, to promote, develop, invest in, encourage and assist in the acquiring, constructing, improving, maintaining, equipping and furnish- ing of industrial, manufacturing, warehousing, commercial, research and industrial pollution control facilities at the Saratoga Research and Development Center, and to promote, develop, encourage and assist special energy projects and thereby advance job opportunities, health, general prosperity and economic welfare of the people of the state of New York. In carrying out such purposes, the authority shall, with respect to the activities specified, have the following powers:
§ 18. Article 8 of the public authorities law is amended by adding a new title 9-B to read as follows:

Title 9-B

CLEAN ENERGY RESOURCES DEVELOPMENT AND INCENTIVES PROGRAM

Section 1900. Statement of legislative intent.

1901. Definitions.

1902. Powers and duties.

1903. Eligibility.

1904. Funding.

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

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

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

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

3. "Commission" shall mean the public service commission.
"Departments" shall mean the department of environmental conservation, the department of agriculture and markets, the department of economic development and the department of public service.

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

"Major renewable energy facility" shall mean facilities as defined in subdivision six of section four hundred fifty-three of the economic development law and facilities intending or anticipating to be considered as major renewable energy facilities pursuant to subdivision five of section four hundred fifty-seven of the economic development law.

"Municipality" shall mean a county, city, town or village or political subdivision.

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

§ 1902. Powers and duties. The authority is hereby authorized and directed to undertake such actions it deems necessary or convenient to foster and encourage the siting and development of major renewable energy facilities at appropriate locations throughout the state in accordance with this title, work in collaboration with the New York state urban development corporation and any of their affiliates, including without limitation:

1. (a) Locate, identify and assess sites within the state that appear suitable for the development of major renewable energy facilities
including for the specific purpose of producing build-ready sites. Such assessment may include but need not be limited to the following considerations:

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

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

(iii) environmental conditions at or near the site;

(iv) the availability and characteristics of any transmission or distribution facilities on or near the site that could be used to facilitate the delivery of energy from the site, including existing or potential constraints on such facilities;

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

(vi) potential impacts of development on disadvantaged communities;

and

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

(b) In making such assessment the authority is authorized to and to give priority to existing or abandoned commercial uses, including without limitation brownfields, landfills, former commercial or industrial sites, and abandoned or otherwise underutilized sites;

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

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

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

6. Establish one or more programs pursuant to which property owners and communities would receive incentives to host major renewable energy facilities developed for the purpose of advancing the state policies embodied in this article. Such program may include without limitation, and notwithstanding any other provision of law to the contrary, provisions for the authority to negotiate and enter into agreements with property owners and host communities providing for incentives, including a payment in lieu of taxes, the transfer of the authority's interests in such agreements to developers to whom build-ready sites are transferred, and the provision of information and guidance to stakeholders concerning incentives;
7. Procure the services of one or more service providers, including without limitation environmental consultants, engineers and attorneys, to support the authority's responsibilities under this section and perform such other functions as the authority deems appropriate;

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

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

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

11. Request and receive the assistance of, the departments or any other state agency or authority, within their respective relevant subject matter expertise, to support the administration of the program created pursuant to this title; and
12. Exercise such other powers and take all other actions the authori-
ty deems necessary or convenient for the proper administration of the
program created pursuant to this title.

§ 1903. Eligibility. The authority may establish and revise any eligi-

bility and evaluation criteria it deems appropriate for the proper
administration of the programs created pursuant to this title.

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

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

§ 19. State power grid study and program to achieve CLCPA targets. 1.

As used in this section:

(a) "CLCPA targets" means the public policies established in the
climate leadership and community protection act enacted in chapter 106
of the laws of 2019, including the requirements that a minimum of 70%
statewide electric generation be produced by renewable energy systems by
2030, by the year 2040 the statewide electrical demand system will
generate zero emissions, and the state's jurisdictional load serving
entities will procure at least 9 gigawatts of offshore wind electricity
generation by 2035, six gigawatts of photovoltaic solar generation by
2025, and support 3 gigawatts of statewide energy storage capacity by
2030, as such policies may from time to time be amended.

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

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

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

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

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

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

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

(i) "Utility" means an electric transmission or delivery utility or
any other person owning or maintaining an electric transmission or
delivery system, over which the commission has jurisdiction.
2. The department, in consultation with the New York state energy research and development authority, the power authority of the state of New York, the Long Island power authority, the state grid operator, and the utilities shall undertake a comprehensive study for the purpose of identifying distribution upgrades, local transmission upgrades and bulk transmission investments that are necessary or appropriate to facilitate the timely achievement of the CLCPA targets (collectively, "power grid study"). The power grid study shall address needed distribution upgrades and local transmission upgrades for each utility service territory and separately address needed bulk transmission system investments. In performing the study, the department may consider such issues it determines to be appropriate including by way of example system reliability; safety; cost-effectiveness of upgrades and investments in promoting development of major renewable energy facilities and relieving or avoiding constraints; and factors considered by the office of renewable energy siting in issuing and enforcing renewable energy siting permits pursuant to article 23 of the economic development law. In carrying out the study, the department is authorized to gather input from owners and developers of competitive transmission projects, the state grid operator, and providers of transmission technology and smart grid solutions, and to utilize information available to the department from other pertinent studies or research relating to modernization of the state's power grid. To enable the state to meet the CLCPA targets in an orderly and cost-effective manner, the department may issue findings and recommendations as part of the power grid study at reasonable intervals but shall make an initial report of findings and recommendations within 270 days of the effective date of this section.
3. The commission shall, within 30 days of the initial findings and recommendations required by subdivision 2 of this section, or at such earlier time as the commission determines to be appropriate, commence a proceeding to establish a distribution and local transmission capital plan for each utility in whose service territory the power grid study identified distribution upgrades and local transmission upgrades that the department determines are necessary or appropriate to achieve the CLCPA targets (the "state distribution and local transmission upgrade programs"). The state distribution and local transmission upgrade programs shall establish a prioritized schedule upon which each such upgrade shall be accomplished. Concurrently, the Long Island power authority shall establish a capital program to address identified distribution and local transmission upgrades in its service territory.

4. The commission shall, within thirty days of the initial findings and recommendations required by subdivision 2 of this section, commence a proceeding to establish a bulk transmission system investment program that identifies bulk transmission investments that the commission determines are necessary or appropriate to achieve the CLCPA targets (the "state bulk transmission investment plan"). The commission shall establish a prioritized schedule for implementation of the state bulk transmission investment plan, and in particular shall identify projects which shall be completed expeditiously to meet the CLCPA targets. The commission shall periodically review and update the state bulk transmission investment plan, and its designation of projects in that plan which shall be completed expeditiously. The state bulk transmission investment plan shall be submitted by the commission to the state grid operator for appropriate incorporation into the state grid operator's studies and plans.
5. The legislature finds and determines that timely development of the bulk transmission investments identified in the state bulk transmission investment plan is in the public interest of the people of the state of New York. The legislature further finds and determines that the power authority of the state of New York owns and operates backbone electric transmission assets in New York, has rights-of-way that can support in whole or in part bulk transmission investment projects, and has the financial stability, access to capital, technical expertise and experience to effectuate expeditious development of bulk transmission investments needed to help the state meet the CLCPA targets, and thus it is appropriate for the power authority of the state of New York, subject to the approval of its trustees, by itself or in collaboration with other parties as it determines to be appropriate, to develop those bulk transmission improvements found by the commission to be needed expeditiously to achieve CLCPA targets.

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

7. No later than January 1, 2023, and every 4 years thereafter, the commission shall, after notice and provision for the opportunity to comment, issue a comprehensive review of the actions taken pursuant to this section and their impacts on grid congestion and achievement of the CLCPA targets, and shall institute new proceedings as the commission determines to be necessary to address any deficiencies identified therewith.
8. The power authority of the state of New York and the New York state energy research and development authority, are each authorized, as deemed feasible and advisable by their respective boards, to contribute to the cost of the power grid study required by subdivision 2 of this section.

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

10. Nothing in this section is intended to:
   (a) limit, impair, or affect the legal authority of the power authority that existed as of the effective date of this section; or
   (b) limit the authority of the power authority to undertake any transmission project, including bulk transmission investments, and recover costs under any other process or procedure authorized by state or federal law as the authority determines to be appropriate.

§ 20. Host community benefit. 1. Definitions. As used in this section, the following terms shall have the following meanings:
   (a) "Renewable host community" shall mean any municipality within which a major renewable energy facility defined in article 23 of the economic development law, or any portion thereof, has been proposed for development.
   (b) "Renewable owner" shall mean the owner of a major renewable energy facility constructed after the effective date of this section that is proposed to be located in a host community, for which the New York state energy research and development authority has executed an agreement for the acquisition of environmental attributes related to a solicitation issued by such authority after the effective date of this section.
(c) "Utility" means an electric distribution utility regulated pursuant to section 66 of the public service law and serving customers within a host community.

2. The public service commission shall, within 60 days from the effective date hereof, commence a proceeding to establish a program under which renewable owners would fund a program to provide a discount or credit on the utility bills of the utility's customers in a renewable host community, or a compensatory or environmental benefit to such customers. Such proceeding shall determine the amount of such discount, credit, compensatory or environmental benefit based on all factors deemed appropriate by the commission, including the expected average electrical output of the facility, the average number of customers within the renewable host community, and the expected aggregate annual electric consumption within such renewable host community, the potential impact on disadvantaged communities, and the role of utilities, if any, in implementing any aspect of such program. The Long Island power authority shall establish a program for renewable facilities in its service territory to achieve the same objectives.

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

3. Unless otherwise stipulated by the applicant[, a final determination regarding an application for a certificate to construct transmission facilities for interconnection with a wind energy production facility located in the county of Lewis shall be rendered within six months from the date of receipt of a compliant application.];

(a) proceedings on an application for a major utility transmission facility as defined in paragraph a of subdivision two of section one hundred twenty of this article shall be completed in all respects,
including a final decision by the commission, within twelve months from
the date of a determination by the secretary of the commission that an
application complies with section one hundred twenty-two of this arti-
cle; provided, however, the commission may extend the deadline in
reasonable circumstances by no more than six months in order to give
consideration to specific issues necessary to develop an adequate
record, because the applicant has been unable to obtain necessary
approvals and/or consents related to highway crossings or for other
reasons deemed in the public interest. The commission shall render a
final decision on the application by the aforementioned deadlines unless
such deadlines are waived by the applicant or if the applicant notices
the application for settlement, in which case the timeframes established
in this paragraph are tolled until such time that settlement discussions
are suspended. If, at any time subsequent to the commencement of the
hearing, there is a substantive and significant amendment to the appli-
cation, the deadlines may be extended by no more than six months, unless
such deadline is waived by the applicant, to consider such amendment.

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

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

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

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

(c) that the facility [represents the minimum] minimizes to the extent
practicable any significant adverse environmental impact, considering
the state of available technology and the nature and economics of the
various alternatives, and other pertinent considerations including but
not limited to, the effect on agricultural lands, wetlands, parklands
and river corridors traversed;
(d) that the facility [represents a minimum] minimizes to the extent practicable any significant adverse impact on active farming operations that produce crops, livestock and livestock products, as defined in section three hundred one of the agriculture and markets law, considering the state of available technology and the nature and economics of various alternatives, and the ownership and easement rights of the impacted property;

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

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

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


1. The department is hereby authorized to utilize funds in the endangered and threatened species mitigation bank fund, established pursuant
to section ninety-nine-hh of the state finance law, for the purposes of
facilitating the achievement of a net conservation benefit to endangered
or threatened species which may be impacted by the construction or oper-
ation of a major renewable energy facility or other jurisdictional
activities reviewed by the department pursuant to this title.

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

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

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

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

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

and

d. May perform such other and further acts as may be necessary, prop-
er, or desirable to carry out the provisions of this article.
4. Nothing in this article shall be construed to limit or restrict any powers of the commissioner or any other agency pursuant to any other provision of law.

5. The commissioner is authorized and directed to promulgate any regulations deemed necessary to implement this section.

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

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

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

3. All moneys deposited in the endangered and threatened species mitigation bank fund shall be available for projects undertaken to facilitate a net conservation benefit to endangered and threatened species potentially impacted by approvals provided by the department for activities, such as construction of a major renewable energy facility or by any other proposed activities as determined by the department pursuant to subdivision one of section 11-0535-c of the environmental conservation law.

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

§ 26. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction—
tion to be invalid, such judgment shall not affect, impair or invalidate
the remainder thereof, but shall be confined in its operation to the
clause, sentence, paragraph, section or part thereof directly involved
in the controversy in which such judgment shall have been rendered.

§ 27. This act shall take effect immediately.