STATE OF NEW YORK

6850--A

2021-2022 Regular Sessions

IN SENATE

May 19, 2021

Introduced by Sens. KENNEDY, HINCHEY -- (at request of the Department of Agriculture and Markets) -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to alternative fuel standards and specifications

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

Section 1. Paragraph b of subdivision 3 of section 179 of the agriculture and markets law, as added by chapter 190 of the laws of 1990, is amended to read as follows:

b. Adopt rules and regulations in consultation with the commissioner of environmental conservation, setting forth standards relating to petroleum product **and alternative fuel** quality, specifications, and sampling and testing methods. Rules and regulations relating to octane ratings and lead content of gasoline shall be consistent with applicable federal statutes and regulations. Insofar as practicable, such rules and regulations shall be consistent with standards established by the National Institute of Standards and Technology and the American Society for Testing and Materials. **For the purpose of this section, the term "alternative fuel" means alcohols such as ethanol, methanol, butanol and non-petroleum liquid or gaseous fuels, other than alcohol, derived from biological materials, suitable for use and consumption in the engine of a motor vehicle.**

§ 2. Paragraph a of subdivision 19 of section 179 of the agriculture and markets law, as amended by chapter 190 of the laws of 1990, is amended to read as follows:

a. Inspect, test, and take samples, of any and all petroleum products **and alternative fuel** kept, offered or exposed for sale or in the process of delivery or transport and inspect any and all documents and records

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

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required to be maintained by this article. The commissioner of taxation and finance may request from the commissioner cooperation and technical assistance, including, among other things, the inspection, testing and sampling of petroleum products, in connection with the administration and enforcement of the fee and taxes imposed with respect to such products by or pursuant to article twelve-A, thirteen-A, twenty-eight or twenty-nine of the tax law.

§ 3. Paragraphs b and c of subdivision 19 of section 179 of the agriculture and markets law, as added by chapter 716 of the laws of 1989, are amended to read as follows:

b. Provide test kits, sample containers and shipping and custody documents for municipal weights and measures programs and reimburse such municipalities for the cost of petroleum product **and alternative fuel** samples and sample shipping to a testing facility designated by the commissioner.

c. Provide financial reimbursement to municipalities for activities undertaken by municipal weights and measures programs, for one annual inspection, screening test, and sample of fuel being held, kept, stored, or transported in a terminal storage tank or in a storage tank located at a retail fuel outlet and for all additional inspections of petroleum products **and alternative fuel** prescribed by the commissioner. The commissioner, by regulation, shall establish the amount of such reimbursement and the means by which municipalities can qualify for such reimbursement.

§ 4. This act shall take effect on the sixtieth day after it shall have become a law.