

# STATE OF NEW YORK

5681

2023-2024 Regular Sessions

## IN ASSEMBLY

March 20, 2023

Introduced by M. of A. OTIS -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing the electric landscaping equipment rebate program; and providing for the repeal of such provisions upon expiration thereof

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

1 Section 1. The public authorities law is amended by adding a new  
2 section 1885 to read as follows:

3 § 1885. Electric landscaping equipment rebate program. 1. There is  
4 hereby created within the authority an electric landscaping equipment  
5 rebate program. The purpose of the program is to reduce greenhouse gas  
6 emissions, improve air quality, and reduce noise pollution by promoting  
7 the adoption of quieter, zero-emission landscaping equipment.

8 2. As used in this section:

9 (a) "Commercial landscaping business" shall mean a sole-proprietor-  
10 ship, firm, limited liability company, partnership, corporation or other  
11 business entity whose primary concern involves the care and maintenance  
12 of yards, gardens, or other outdoor landscapes for clients, including,  
13 but not limited to, lawn care, gardening, and the removal or pruning of  
14 trees or shrubs.

15 (b) "Institutional or commercial applicant" shall mean a commercial  
16 landscaping business, or a state agency, state authority, local authori-  
17 ty, town, county, village, school district, private school, university,  
18 not-for-profit corporation, or other nonprofit organization.

19 (c) "Eligible lawn care device" shall mean a battery-powered electric  
20 lawn care device that is new, has not been used or previously owned, and  
21 is purchased or leased from a storefront or online retailer. Eligible  
22 lawn care device shall not include corded electric equipment, reel  
23 mowers, or tractors used to pull other lawn care devices.

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

LBD04841-02-3

1 (d) "Lawn care device" shall mean any device powered mechanically,  
2 which is intended to be used or is actually used for the mowing of  
3 grass, the cutting or chipping of trees, tree roots or tree branches, or  
4 the clearing of leaves or other vegetation from lawns, sidewalks, public  
5 streets or public highways and shall include, but not be limited to,  
6 such devices as lawn mowers and lawn mower attachments, lawn edgers and  
7 trimmers, hedge trimmers, leaf blowers, leaf vacuums, mulchers, chip-  
8 pers, chainsaws, and pole saws, as well as batteries, chargers, and  
9 power management equipment for such devices.

10 (e) "Local authority" shall have the same meaning as in subdivision  
11 two of section two of this chapter.

12 (f) "State agency" shall mean all state departments, boards, commis-  
13 sions, offices or institutions.

14 (g) "State authority" shall have the same meaning as in subdivision  
15 one of section two of this chapter.

16 3. The authority shall create a program, within existing appropri-  
17 ations, to award rebates at the point of sale to institutional or  
18 commercial applicants for eligible lawn care devices in amounts deter-  
19 mined by the authority.

20 4. The authority shall determine the rebate eligibility of each appli-  
21 cant in accordance with the requirements of this section and rules  
22 promulgated by the authority. The total amount of rebates allocated to  
23 certified applicants in each fiscal year shall not exceed the amount of  
24 funds available for the program in such fiscal year. Rebates shall be  
25 allocated to applicants on a first-come, first-served basis, determined  
26 by the date the application is received, until all appropriated funds  
27 for the fiscal year are expended or the program ends, whichever comes  
28 first. The authority shall have authority to reduce eligible lawn care  
29 device rebate amounts if the authority determines that funds would  
30 otherwise be exhausted prior to the end of a fiscal year.

31 5. The authority shall promulgate rules and regulations to implement  
32 and administer the provisions of this section no later than two hundred  
33 seventy days after the effective date of this section, including rules  
34 and regulations relating to the types of equipment covered under this  
35 section and rebate amounts for each equipment type, the forms required  
36 to claim a rebate, the required documentation and basis for establishing  
37 eligibility for a rebate, procedures and guidelines for claiming a  
38 rebate, the collection of economic impact data from applicants, and any  
39 other requirements the authority deems necessary. The authority shall  
40 conduct education and outreach, with informational materials made avail-  
41 able in at least English and the three most common non-English languages  
42 spoken by individuals with limited-English proficiency in the state of  
43 New York, based on United States census data, as necessary to inform  
44 potential applicants and manufacturers and retailers of eligible lawn  
45 care devices about the electric landscaping equipment rebate program.

46 6. The authority shall determine and publish on its website on an  
47 ongoing basis the amount of available funding for rebates remaining in  
48 each fiscal year.

49 7. No later than two years after the effective date of this section,  
50 and annually thereafter on the first of January, the authority shall  
51 issue a report to the temporary president of the senate, the speaker of  
52 the assembly, the chair of the senate committee on energy and telecommu-  
53 nications and the chair of the assembly committee on energy detailing  
54 the status of the electric landscaping equipment rebate program. Such  
55 report shall include:

- 1 (a) the amount of funding dedicated by the authority for the program
- 2 in the preceding year;
- 3 (b) the amount of eligible purchases for which a rebate was awarded;
- 4 (c) the amount and geographic distribution of rebates; and
- 5 (d) any other information the authority deems necessary.

6 § 2. This act shall take effect immediately and shall expire and be  
7 deemed repealed January 1, 2035.