STATE OF NEW YORK

6732

2023-2024 Regular Sessions

IN SENATE

May 8, 2023

Introduced by Sen. BORRELLO -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, the executive law and the environmental conservation law, in relation to requiring that the manufacture and distribution of electric vehicles, wind turbines, solar collectors and infrastructure to upgrade the power grid is conducted using only wind and solar energy

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

Section 1. Subdivisions 5 and 6 of section 3-101 of the energy law, subdivision 5 as amended by chapter 396 of the laws of 1978, are amended and a new subdivision 8 is added to read as follows:

5. to foster, encourage and promote the prudent development and wise use of all indigenous state energy resources including, but not limited to, on-shore oil and natural gas, off-shore oil and natural gas, natural gas from Devonian shale formations, small head hydro, wood, solar, wind, solid waste, energy from biomass, fuel cells and cogeneration; [~~and~~]

6. to encourage a new ethic among its citizens to conserve rather than waste precious fuels; and to foster public and private initiative to achieve these ends at the state and local levels[~~.~~]**; and**

8. to require that the manufacture and distribution of electric vehicles, wind turbines, solar collectors and infrastructure to upgrade the power grid is conducted using only wind and solar energy and does not use any power derived from fossil fuels, nuclear energy or any form of combustion. This subdivision shall apply to all mining and material processing required to obtain and create materials used, all industrial operations, fabrication and assembly, and all distribution to end users.

§ 2. Section 5-108 of the energy law is amended by adding a new subdivision b-1 to read as follows:

b-1. The commissioner, in consultation with the office of general services, shall promulgate rules and regulations which shall require, at a minimum, that all electric passenger automobiles purchased by or for the state or any agency or public authority thereof shall have been

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

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manufactured and distributed using only power derived from wind and solar energy, in accordance with the provisions of subdivision eight of section 3-101 of this chapter.

§ 3. Subdivision 2 of section 201-a of the executive law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

2. For the purposes of this section, the term "clean-fueled vehicle" shall mean any motor vehicle as defined in section one hundred twenty-five of the vehicle and traffic law, that uses electricity, either stored or generated on-board, as its primary motive force or that is fueled by compressed natural gas, propane, methanol, hydrogen or ethanol. **A vehicle shall be considered a "clean-fueled vehicle" only if the manufacture and distribution process of such vehicle was conducted using wind and solar energy and without the use of fossil fuels, nuclear energy or any form of combustion, including the mining and material processing required to obtain and create materials used, all industrial operations, fabrication and assembly and all distribution to end users.**

§ 4. Subdivision 2 of section 56-0603 of the environmental conservation law, as added by chapter 413 of the laws of 1996, is amended to read as follows:

2. For the purposes of this section, the term "clean-fueled vehicle" shall mean any motor vehicle as defined in section one hundred twenty-five of the vehicle and traffic law, that uses electricity, including electricity generated from solar energy, either stored or generated on-board, as its primary motive force, or that is fueled by compressed natural gas, propane, methanol, hydrogen or ethanol. **A vehicle shall be considered a "clean-fueled vehicle" only if the manufacture and distribution process of such vehicle was conducted using wind and solar energy and without the use of fossil fuels, nuclear energy or any form of combustion, including the mining and material processing required to obtain and create materials used, all industrial operations, fabrication and assembly and all distribution to end users.**

§ 5. Subdivision 2 of section 56-0605 of the environmental conservation law, as amended by section 3 of part I of chapter 82 of the laws of 2002, is amended to read as follows:

2. For the purposes of this section, the term "clean-fueled bus" shall mean any motor vehicle having a seating capacity of fifteen or more passengers in addition to the driver and used for the transportation of persons on public highways, that is fueled by compressed natural gas, propane, methanol, hydrogen, biodiesel or ethanol, or uses electricity, including electricity generated from solar energy, either stored or generated on-board, as its primary motive force **and that was manufactured and distributed using only wind and solar energy without the use of fossil fuels, nuclear energy or any form of combustion**. For the purposes of this section, the term "diesel-fueled school bus retrofit equipment" shall mean equipment and/or technologies, including, but not limited to, particulate traps or filters and catalytic converters that reduce emissions of particulate matter, hydrocarbons, oxides of nitrogen, carbon monoxide, or toxic air pollutants.

§ 6. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment, and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.