

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.

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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.