

STATE OF NEW YORK

5681--A

2023-2024 Regular Sessions

IN ASSEMBLY

March 20, 2023

Introduced by M. of A. OTIS, THIELE, L. ROSENTHAL, SIMON, LUNSFORD, SHIMSKY, SIMONE -- read once and referred to the Committee on Corporations, Authorities and Commissions -- recommitted to the Committee on Ways and Means in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 is purchased or leased from a storefront or online retailer. Eligible
2 lawn care device shall not include corded electric equipment, reel
3 mowers, or tractors used to pull other lawn care devices.

4 (d) "Lawn care device" shall mean any device powered mechanically,
5 which is intended to be used or is actually used for the mowing of
6 grass, the cutting or chipping of trees, tree roots or tree branches,
7 the clearing of snow and ice, the clearing of leaves or other vegetation
8 from lawns, sidewalks, public streets or public highways, and shall
9 include, but not be limited to, such devices as walking and riding lawn
10 mowers and lawn mower attachments, lawn edgers and trimmers, hedge trim-
11 mers, leaf blowers, leaf vacuums, mulchers, chippers, chainsaws, pole
12 saws, augers, cultivators and tillers, snow blowers, and snow shovels,
13 as well as batteries, chargers, and power management equipment for such
14 devices.

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

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

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

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

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

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

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

1 7. No later than two years after the effective date of this section,
2 and annually thereafter on the first of January, the authority shall
3 issue a report to the temporary president of the senate, the speaker of
4 the assembly, the chair of the senate committee on energy and telecommu-
5 nications and the chair of the assembly committee on energy detailing
6 the status of the electric landscaping equipment rebate program. Such
7 report shall include:

8 (a) the amount of funding dedicated by the authority for the program
9 in the preceding year;

10 (b) the amount of eligible purchases for which a rebate was awarded;

11 (c) the amount and geographic distribution of rebates; and

12 (d) any other information the authority deems necessary.

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