STATE OF NEW YORK

5853--A

2023-2024 Regular Sessions

IN SENATE

March 20, 2023

Introduced by Sens. KRUEGER, HOYLMAN-SIGAL, MAY, MAYER, PARKER, RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- recommitted to the Committee on Energy and Telecommunications in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- 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:

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

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

2. As used in this section:

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

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

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

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

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

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

(f) "State agency" shall mean all state departments, boards, commissions, offices or institutions.

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

3. The authority shall create a program, within existing appropriations, to award rebates at the point of sale to institutional or commercial applicants for eligible lawn care devices in amounts determined by the authority.

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

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

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

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

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

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

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

(d) any other information the authority deems necessary.

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