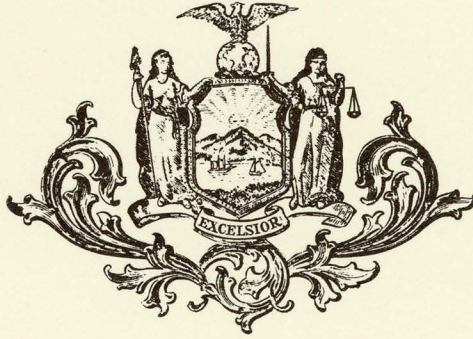


STATE OF NEW YORK
DEPARTMENT OF STATE
FILED

FEB 18 2010

MISCELLANEOUS
& STATE RECORDS



State of New York

FEB 18 2010

Department of State
Secretary of State

State of New York

Executive Chamber

No. 35

EXECUTIVE ORDER

RESCINDING SECTION II OF EXECUTIVE ORDER 142

WHEREAS, on November 21, 2005, Governor Pataki issued Executive Order 142, which directed that state agencies and authorities shall purchase and utilize bio-diesel in their fleets according to a schedule requiring that by 2010 7% of total diesel fuel consumed would be bio-diesel. That percentage increases to 8% in 2011 and 10% in 2012; and

WHEREAS, Executive Order 142 also directed that gasoline powered state vehicles should use E85 ethanol fuel to the greatest extent possible and that the Governor's Clean Vehicle Council should prepare a plan to meet this goal; and

WHEREAS, since the issuance of Executive Order 142 advancements in vehicle engine technology coupled with significant improvements in diesel fuel quality have reduced the incremental environmental benefits associated with biofuels in the transportation sector; and

WHEREAS, the State of New York is suffering though an economic and budget crisis and must, as a result, identify and eliminate mandates that are not cost effective; and

NOW, THEREFORE, I, David A. Paterson, Governor of the State of New York, by the virtue of the authority vested in me by the Constitution and Laws of the State of New York, do hereby rescind section II of Executive Order 142, thereby eliminating the requirements that state agencies and authorities purchase and utilize bio-diesel in their fleets, that state vehicles use E85 to the greatest extent possible and that the Governor's Clean Vehicle Council prepare a plan to meet this goal; and

FURTHER, my action in rescinding section II does not rescind sections III or IV of Executive Order 142, and these sections remain in force.



BY THE GOVERNOR

GIVEN under my hand and the Privy Seal of the State in
the City of Albany this eighteenth day of
February in the year two thousand ten.

David A. Paterson

Lance Schwartz
Secretary to the Governor