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I N S E N A T E

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the energy law, in relation to appliance and equipment energy efficiency standards

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 5-108-a of the energy law is amended by adding a
2 new subdivision 3 to read as follows:
3 3. CONSUMER AUDIO AND VIDEO PRODUCTS AS DEFINED IN SUBDIVISION ELEVEN
4 OF SECTION 16-102 OF THIS CHAPTER PURCHASED BY OR FOR THE STATE OR ANY
5 AGENCY THEREOF SHALL MEET OR EXCEED THE FOLLOWING REQUIREMENTS: (I)
6 THAT SUCH PRODUCTS MEET THE ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT
7 TOOL (EPEAT) GOLD STANDARDS FOR ENVIRONMENTAL PERFORMANCE FOR AT LEAST
8 NINETY-FIVE PERCENT OF PRODUCTS PURCHASED IN ALL RELEVANT ELECTRONIC
9 PRODUCT CATEGORIES, UNLESS THERE IS NO EPEAT GOLD STANDARD FOR SUCH
10 PRODUCT; (II) THAT SUCH PRODUCTS MEET THE CURRENT VERSION OF THE APPLI-
11 CABLE ENERGY STAR STANDARD; (III) THAT POLICIES ARE ESTABLISHED AND
12 IMPLEMENTED TO EXTEND THE USEFUL LIFE OF THE AGENCY ELECTRONIC EQUIP-
13 MENT; (IV) THAT ENVIRONMENTALLY SOUND PRACTICES ARE USED WITH RESPECT TO
14 DISPOSITION OF AGENCY ELECTRONIC EQUIPMENT THAT HAS REACHED THE END OF
15 ITS USEFUL LIFE; AND (V) THAT SUCH PRODUCTS ARE LIFE-CYCLE COST-EFFEC-
16 TIVE AND PRACTICABLE AND WHERE THE RELEVANT PRODUCT'S UTILITY AND
17 PERFORMANCE ARE NOT COMPROMISED AS A RESULT.
18 S 2. Paragraph (a) of subdivision 2 of section 16-106 of the energy
19 law, as added by chapter 431 of the laws of 2005, is amended to read as
20 follows:

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

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1 (a) On or before [June thirtieth, two thousand six] JANUARY
2 THIRTY-FIRST, TWO THOUSAND FOURTEEN, the secretary, in consultation with
3 the president, shall adopt regulations in accordance with the provisions
4 of this article establishing: (i) energy efficiency performance stand-
5 ards for new products of the types set forth in paragraphs (a) through
6 (n) of subdivision one of section 16-104 of this article, with the
7 exception of such [paragraph] PARAGRAPHS (E) (CONSUMER AUDIO AND VIDEO
8 PRODUCTS) AND (g) (incandescent reflector lamps); (ii) procedures for
9 testing the energy efficiency of the products covered by paragraphs (a)
10 through (n) of subdivision one of section 16-104 of this article; (iii)
11 procedures for manufacturers to certify that products covered under this
12 article meet the energy efficiency standards to be promulgated under
13 this article; and (iv) such further matters as are necessary to insure
14 the proper implementation and enforcement of the provisions of this
15 article. WITH RESPECT TO CONSUMER AUDIO, VIDEO AND INFORMATION TECHNOL-
16 OGY PRODUCTS, INCLUDED IN PARAGRAPH (E) OF SUBDIVISION ONE OF SECTION
17 16-104 OF THIS ARTICLE, THE SECRETARY, IN CONSULTATION WITH THE PRESI-
18 DENT, SHALL CONDUCT A STUDY TO DETERMINE WHETHER AN ENERGY PERFORMANCE
19 STANDARD FOR SUCH PRODUCT SHOULD BE ESTABLISHED, TAKING INTO ACCOUNT
20 FACTORS INCLUDING BUT NOT LIMITED TO, THE POTENTIAL IMPACT ON ELECTRIC-
21 ITY USAGE, PRODUCT AVAILABILITY, MANUFACTURING COST, INNOVATION, PRODUCT
22 CONVERGENCE, PRODUCT FEATURES AND FUNCTION, AND CONSUMER AND ENVIRON-
23 MENTAL BENEFITS. BASED ON THE RECOMMENDATIONS OF SUCH STUDY, THE SECRE-
24 TARY, IN CONSULTATION WITH THE PRESIDENT, MAY ADOPT REGULATIONS IN
25 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE ESTABLISHING ENERGY
26 PERFORMANCE STANDARDS FOR SUCH PRODUCTS ON OR BEFORE JANUARY
27 THIRTY-FIRST, TWO THOUSAND FOURTEEN. With respect to incandescent
28 reflector lamps, included in paragraph (g) of subdivision one of section
29 16-104 of this article, the secretary, in consultation with the presi-
30 dent, shall conduct a study to determine whether an energy efficiency
31 performance standard for such product should be established, taking into
32 account factors including the potential impact on electricity usage,
33 product availability and consumer and environmental benefits. If it is
34 determined based on this study that such a standard would reduce energy
35 use and would not be preempted by the federal law, the secretary, in
36 consultation with the president, shall adopt regulations in accordance
37 with the provisions of this article establishing energy performance
38 standards for such product on or before January first, two thousand
39 eight.

40 S 3. This act shall take effect immediately; provided, however, that
41 no energy efficiency performance standard shall become effective for a
42 product less than one hundred eighty days after such energy efficiency
43 performance standard shall become final.