

# STATE OF NEW YORK

6693

2017-2018 Regular Sessions

## IN ASSEMBLY

March 15, 2017

Introduced by M. of A. ENGLEBRIGHT, GALEF, COLTON -- Multi-Sponsored by  
-- M. of A. COOK, HOOPER -- read once and referred to the Committee  
on Energy

AN ACT to amend the energy law, the executive law, the environmental  
conservation law, the general business law, the private housing  
finance law and the public authorities law, in relation to establish-  
ing the state energy office and transferring certain functions, powers  
and duties of the New York state energy research and development  
authority to such office; and to repeal certain provisions of the  
energy law and the public authorities law relating to the New York  
state energy research and development authority

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivisions 2 and 4 of section 1-103 of the energy law, as  
2 amended by chapter 83 of the laws of 1995, are amended to read as  
3 follows:

4 2. "Office" [~~as used in sections 5-108, 5-111, 5-113, and 5-117 of~~  
5 ~~article five and articles six, seven, eight and ten of this chapter~~]  
6 shall mean the [~~New York state energy research and development authority~~  
7 ~~established pursuant to article eight of the public authorities law~~]  
8 state energy office established pursuant to article five of this  
9 chapter.

10 4. "Commissioner" [~~as used in sections 5-108, 5-111, 5-113, and 5-117~~  
11 ~~of article five and articles six, seven, eight and ten of this chapter~~]  
12 shall mean the [~~president of the New York state energy research and~~  
13 ~~development authority~~] commissioner of the state energy office appointed  
14 by the governor pursuant to article five of this chapter.

15 § 2. The energy law is amended by adding seven new sections 5-101,  
16 5-103, 5-105, 5-107, 5-109, 5-115 and 5-123 to read as follows:

17 § 5-101. State energy office; creation. 1. There is hereby established  
18 in the executive department a state energy office, with the powers,  
19 duties and purposes set forth in this article.

20 2. The governor shall appoint a commissioner by and with the consent  
21 of the senate, who shall be the chief executive officer of the office,

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

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1 and who shall hold office at the pleasure of the governor. The commis-  
2 sioner shall receive a salary to be fixed by the governor within the  
3 amount appropriated therefor. He or she shall also receive his or her  
4 reasonable expenses in connection with the performance of his or her  
5 duties, within the amount available therefor by appropriation.

6 3. The commissioner may appoint such other officers, employees, agents  
7 and consultants as may be deemed necessary, prescribe their duties and  
8 fix their compensation within the amounts made available therefor by  
9 appropriation.

10 4. The principal office of the state energy office shall be in the  
11 county of Albany.

12 5. Consistent with the provisions of this chapter, the office shall  
13 have jurisdiction over all persons, and the officers, directors and  
14 employees thereof, engaged in the exploration, manufacture, processing,  
15 sale, distribution, transportation, refining, generation and supply of  
16 energy and energy resources in this state.

17 § 5-103. Organization of office. The commissioner may, from time to  
18 time, create, abolish, transfer and consolidate divisions, bureaus,  
19 boards, commissions and other units within the office as he or she may  
20 determine necessary for the efficient operation of the office, subject  
21 to the approval of the director of the budget.

22 § 5-105. General functions and powers. The office, acting through the  
23 commissioner, shall have the following functions and powers to carry out  
24 the purposes of this chapter:

25 1. To advise and assist the governor and the legislature in the devel-  
26 opment and implementation of state policies relating to energy and ener-  
27 gy resources.

28 2. To promulgate, issue, amend, rescind, revoke or waive orders, and,  
29 after public hearings, promulgate rules and regulations to effectuate  
30 the purposes and provisions of this chapter.

31 3. To classify persons and matters within the jurisdiction of the  
32 office and prescribe different requirements for different classes of  
33 persons or matters.

34 4. To require persons subject to the jurisdiction of the office to  
35 maintain or file general, special and annual reports, contracts, state-  
36 ments, including but not limited to statements of ownership, accounting,  
37 auditing and operations, engineering reports, and other data as the  
38 commissioner deems appropriate; provided, however, wherever practicable,  
39 forms required to be submitted to federal or state agencies shall be  
40 sufficient to meet the requirements of this subdivision.

41 5. To designate employees who shall be empowered to administer oaths  
42 in all parts of the state to persons summoned to testify in any inquiry,  
43 investigation, hearing or proceeding.

44 6. To designate employees of the office who shall be empowered to  
45 enter in or upon and to inspect the property, equipment, buildings,  
46 plants, factories and offices, in relation to energy or energy resources  
47 of any person subject to the jurisdiction of the office.

48 7. To designate employees who shall be empowered to examine all books,  
49 contracts, records, documents and papers, in relation to energy or ener-  
50 gy resources of any person subject to the jurisdiction of the office.

51 8. To designate employees who shall be empowered to issue subpoenas to  
52 compel the attendance of witnesses and subpoenas duces tecum to compel  
53 from any person the production of books, contracts, records, documents  
54 or papers relating to energy or energy resources.

55 9. To require and receive from any agency of the state or any poli-  
56 tical subdivision thereof assistance and data.

1 10. To enter into cooperative arrangements with agencies of the state  
2 or political subdivisions thereof, each of which shall be authorized to  
3 enter into such cooperative arrangements.

4 11. To act alone, or in conjunction with another state agency, as  
5 agent for, or enter into contracts and otherwise cooperate with the  
6 federal government, and to receive grants or advances of funds from the  
7 federal government for projects within the jurisdiction of the office.

8 12. To assist the attorney general and the commissioner of taxation  
9 and finance in protecting consumers from abuses in the distribution,  
10 sale, handling or transport of energy, energy resources and energy  
11 related devices, installations, and technologies, including the charging  
12 of any illegal price or the violation of any state or federal law or  
13 regulation.

14 13. To enter into contracts with any person for the conduct of  
15 research or the rendering of other services, including the hiring of  
16 experts and consultants.

17 14. To apply for and accept grants and contributions.

18 15. To hold public hearings when deemed appropriate.

19 16. To conduct economic, sociological and other studies relating to  
20 all aspects of energy and energy resources use, supply, demand and  
21 distribution.

22 17. To cooperate with and supplement the work of the New York state  
23 energy research and development authority, and undertake studies in  
24 energy and energy related areas.

25 18. To appoint advisory committees, boards and task forces whose  
26 members shall receive no compensation as members but shall be allowed  
27 necessary and actual expenses incurred in performing duties under this  
28 chapter.

29 19. To implement a program of public information to inform the public  
30 and private sectors of the state as to the merits of rerefined oil, and  
31 the need for its use in order to reduce the drain on the nation's oil  
32 reserves and minimize the disposal of used oil in ways harmful to the  
33 environment and to promote petroleum resource conservation, recovery and  
34 reuse by industry and the general public of the state.

35 20. To exercise all other powers and functions necessary or appropri-  
36 ate to carry out the duties and purposes set forth in this chapter.

37 § 5-107. Specific functions, powers and duties. 1. The office shall:

38 a. Act as a central repository and clearinghouse for information on  
39 all energy and energy resource related matters within the jurisdiction  
40 of the office.

41 b. Conduct public educational programs promoting conservation of ener-  
42 gy and energy resources within the state.

43 c. No later than February fifteenth of each year make an annual report  
44 to the governor and legislature concerning its work during the preceding  
45 year, and its program for the coming year, and make such further interim  
46 reports or recommendations as it shall deem advisable or as shall be  
47 required by the governor.

48 d. Prepare an integrated plan specifying actions to be taken in the  
49 event of the declaration by the governor of an energy or fuel supply  
50 emergency pursuant to section 5-117 of this article.

51 e. Cooperate with the public service commission, the New York energy  
52 research and development authority, the power authority of the state of  
53 New York, the office of temporary and disability assistance and all  
54 other appropriate state agencies in effectuating the purposes of this  
55 chapter.

1 f. Conduct activities to encourage and promote the prudent development  
2 and wise use of all energy resources indigenous to the state or shared  
3 by the state with the Dominion of Canada, the federal government or  
4 other states.

5 g. Advise and assist state agencies in the implementation of section  
6 one hundred twenty-seven-a of the state finance law.

7 h. Develop a plan to maximize the use of telecommuting to conserve  
8 energy otherwise used by the personnel of the office in commuting to  
9 their assigned workplace. Within one year of the effective date of this  
10 paragraph, the office shall submit a report to the governor and the  
11 legislature on the impact of such plan to include, but not be limited  
12 to, energy conservation, air quality, workforce acceptance, office costs  
13 and potential cost savings.

14 2. The office may:

15 a. Undertake studies, surveys or analyses to determine present and  
16 projected energy and energy resource use, supply and demand within the  
17 state.

18 b. Promulgate energy use standards after consultation with the commis-  
19 sioner of the office of general services, for the purchase, lease, use  
20 or maintenance of state buildings and equipment.

21 c. Maintain liaison with and represent the state before appropriate  
22 agencies of the federal government, the Dominion of Canada, regional  
23 commissions, other state governments and municipalities in all energy  
24 and energy resources matters.

25 d. Coordinate the state's administration of any energy or energy  
26 resource programs of the federal government, other than research, devel-  
27 opment and demonstration programs conducted by the New York state energy  
28 research and development authority, including but not limited to those  
29 concerned with conservation, allocation, management or education.

30 e. Advise all agencies and municipalities of the state in energy and  
31 energy resource related matters.

32 § 5-109. Action by the commissioner. 1. The commissioner shall prepare  
33 and distribute at the earliest feasible date an index of functions and  
34 responsibilities of state agencies relating to energy and energy  
35 resources in sufficient detail to guide the public and serve as a basis  
36 for such further steps as may be deemed necessary to assure full coordi-  
37 nation without duplication of the energy-related activities of such  
38 agencies.

39 2. Upon completion of the index required to be prepared pursuant to  
40 subdivision one of this section, and no later than one hundred twenty  
41 days after such completion, the commissioner shall recommend to the  
42 governor and the legislature such action as may be necessary to preclude  
43 any identified or potential duplication of energy and energy resource  
44 related functions and responsibilities of state agencies.

45 § 5-115. Energy advisory council. There is hereby created within the  
46 office an energy advisory council, consisting of thirteen members, five  
47 of whom shall be appointed by the governor from among persons who are  
48 not holders of public office, elective or appointive. Of the five  
49 appointed members, no more than three shall belong to the same political  
50 party. The other members shall be the commissioners of economic develop-  
51 ment, transportation and environmental conservation, the secretary of  
52 state, the energy research and development authority, the public service  
53 commission, the power authority of the state of New York and the commis-  
54 sioner. The commissioner shall serve as chair of the council and the  
55 governor shall designate a vice-chair from the remaining members of the  
56 council. The members of the council shall receive no compensation but

1 shall be entitled to reimbursement for necessary expenses incurred in  
2 connection with the performance of their duties. The council shall  
3 assist the commissioner in carrying out the purpose of this chapter,  
4 including the coordination, development and implementation of a compre-  
5 hensive state energy policy.

6 § 5-123. Review and recommendations on continuation. 1. In the year  
7 two thousand nineteen and every four years thereafter, the department of  
8 audit and control shall conduct an audit of the office. Within ninety  
9 days of the completion of such audit a commission, whose maximum dura-  
10 tion shall be six months, shall be created to determine whether the  
11 office shall continue in operation, or whether it shall be changed in  
12 some manner, or whether it shall be dissolved, and the commission shall  
13 report its findings to the governor and the legislature with recommenda-  
14 tions of changes necessary, and if dissolution is recommended it shall  
15 recommend what functions shall be eliminated and what functions shall be  
16 continued by another agency.

17 2. The commission shall be composed of five members, with the chair  
18 and one other member appointed by the governor, one member appointed by  
19 the temporary president of the senate, one member appointed by the  
20 speaker of the assembly, and one member appointed by the comptroller.  
21 Staff for the commission shall be provided by the department of audit  
22 and control from funds appropriated for such purpose.

23 § 3. Subdivisions 4 and 8 of section 9-103 of the energy law, subdivi-  
24 sion 4 as amended by chapter 83 of the laws of 1995 and subdivision 8 as  
25 added by section 78 of part A of chapter 436 of the laws of 1997, are  
26 amended to read as follows:

27 4. Agencies, municipalities, and public authorities are encouraged to  
28 consult with and seek advice and assistance from the office and the New  
29 York state energy research and development authority concerning energy  
30 performance contracts.

31 8. In the case of a school district or a board of cooperative educa-  
32 tional services, an energy performance contract shall be developed and  
33 approved pursuant to the requirements of this section and pursuant to  
34 regulations promulgated by the commissioner of education in consultation  
35 with the ~~[New York state energy research and development authority]~~  
36 commissioner. Such regulations shall include, but shall not be limited  
37 to: a list of the appropriate type of projects that qualify as energy  
38 performance contracts; an approval process that includes review of the  
39 type and nature of the proposed project, the scope and nature of the  
40 work to be performed, and a detailed breakdown of the energy savings to  
41 be derived each year and for the duration of the energy performance  
42 contract; and a process for ensuring that districts have obtained  
43 financing at the lowest cost possible. Such regulations shall require  
44 that all energy performance contracts which contain maintenance and  
45 monitoring charges as part of the energy performance contract price  
46 state such maintenance and monitoring charges separately in the contract  
47 in a clear and conspicuous manner. ~~[Such regulations shall not apply to~~  
48 ~~energy performance contracts entered into prior to the effective date of~~  
49 ~~such regulations, nor shall they apply to energy performance contracts~~  
50 ~~for which a request for proposals was issued prior to such effective~~  
51 ~~date.]~~

52 § 4. Continuance of rules and regulations. All rules, regulations,  
53 acts, determinations and decisions of the commissioner of housing and  
54 community renewal, pertaining to the state energy conservation  
55 construction code established by article 11 of the energy law, and  
56 assigned by this act to the commissioner of the state energy office



shall continue in force and effect as rules, regulations, acts, determinations and decisions of the state energy office or the commissioner of the state energy office until duly modified or repealed.

§ 5. The energy law is amended by adding a new article 15 to read as follows:

#### ARTICLE 15

#### ENERGY EFFICIENT DEVICES

#### Section 15-102. Enforcement powers.

15-103. Annual report.

15-104. Effect of other laws.

15-108. Energy efficiency of residential and commercial hot water heaters.

15-110. Refrigerators, refrigerators/freezers and freezers.

15-112. Electric dishwashers.

15-116. Gas appliances.

15-118. Air conditioners and heat pumps.

15-120. Fluorescent lamp ballasts.

§ 15-102. Enforcement powers. The attorney general and, in any county, city, town or village, the chief legal officer, the chief officer of the department having jurisdiction over consumer affairs or any department or officer designated by a local law or ordinance shall severally have power to conduct investigations regarding compliance with this article, and to institute an action or special proceeding in any court of competent jurisdiction to enjoin such violations and recover the penalty specified; provided, however, the attorney general may at his or her option notify a local government that he or she intends to exercise exclusive jurisdiction with respect to such enforcement powers as they apply to a specific violation.

§ 15-103. Annual report. In its annual report to the governor and the legislature, pursuant to paragraph c of subdivision one of section 5-107 of this chapter, the office shall provide a review of the effectiveness of the provisions of this article.

§ 15-104. Effect of other laws. 1. If the commissioner shall be notified by the United States department of energy that a petition has been filed to supersede any requirement of this article or any standard, rule or regulation promulgated thereunder the commissioner shall determine the impact of such petition or applicable state requirements, standards, rules or regulations. If he or she determines that (a) there is a substantial state or local need which is sufficient to justify such state requirement, (b) such state requirement does not unduly burden interstate commerce, and (c) such state requirement contains a more stringent energy efficiency standard than the corresponding federal standard, the commissioner shall file promptly with the United States department of energy the necessary documents to so demonstrate, and to request that the petition to supersede be denied.

2. The commissioner shall determine the impact of any federal standard, rule or determination which would supersede the requirements of this article. If he or she determines that (a) any requirement established by this article is more stringent than an applicable federal standard, rule or determination, and that such federal standard, rule or determination, would supersede the requirement in this article, (b) there is a substantial state or local need which is sufficient to justify such state requirement, and (c) such state requirement does not unduly burden interstate commerce, the commissioner shall promptly petition the United States department of energy requesting a rule that such state standard, rule or determination, not be superseded.

1     § 15-108. Energy efficiency of residential and commercial hot water  
2 heaters. 1. As used in this section:

3     (a) "Recovery efficiency" shall mean the ratio of the heat absorbed by  
4 the water to the heat input delivered to the heating unit during the  
5 period that the water temperature is raised from the inlet temperature  
6 to the final temperature.

7     (b) "Standby losses" shall mean heat losses occurring while maintain-  
8 ing design water temperature over periods when no hot water is being  
9 drawn from the water tank.

10    2. No person shall advertise, display for sale, or sell in this state  
11 any new electric, gas-fired or oil-fired hot water heater to be used in  
12 this state for domestic or sanitary purposes unless it shall meet the  
13 following performance standards:

14    (a) For automatic electric storage water heaters, the standby loss  
15 shall not exceed four watt-hours per hour per square foot of tank  
16 surface area unless superseded by more stringent standards determined by  
17 the office.

18    (b) For automatic gas-fired or oil-fired water heaters, unless super-  
19 seded by more stringent standards determined by the office, the minimum  
20 recovery efficiency shall be seventy-five percent and for automatic  
21 gas-fired or oil-fired storage water heaters the standby loss shall not  
22 exceed a percent of the energy input equal to 2.3 plus the quotient of  
23 67 divided by the rated volume in gallons of the heater.

24    (c) Standby losses and recovery efficiencies shall be determined by  
25 methods described by the American National Standard Institute, Inc.,  
26 hitherto known as ANSI in its publications ANSI C72.1-72 and ANSI  
27 Z21.10.3-74 unless superseded by methods established by the office.

28    3. If the commissioner shall determine that no hot water heater of a  
29 certain class, size or type is available with such efficiency to meet  
30 the requirements of this section, he or she may extend the effective  
31 date for compliance of such class until such hot water heater is avail-  
32 able.

33    4. Such hot water heater and its packing carton, if such carton is  
34 provided, shall carry in a conspicuous position a non-transferable sign  
35 or label stating that such hot water heater meets the minimum energy  
36 efficiency requirements of New York state.

37    5. A knowing violation of this section shall be punishable by a fine  
38 not to exceed one thousand dollars.

39    § 15-110. Refrigerators, refrigerators/freezers and freezers. No  
40 refrigerator, refrigerator/freezer or freezer which is manufactured on  
41 or after January first, two thousand nineteen, and which contains a  
42 continuously energized electrical resistance heating unit for the  
43 purpose of preventing condensation on the jacket, shall be displayed for  
44 sale, advertised or sold at retail in this state, unless it possesses an  
45 easily accessible manually-operated electrical switch capable of termi-  
46 nating the heating when it is deemed necessary. Each such switch shall  
47 be clearly marked as to its purpose and fully described in the instruc-  
48 tion book provided with the appliance including a chart that indicates  
49 the annualized savings possible by use of the switch at several typical  
50 costs of electricity, and a statement of percentage of energy savings  
51 possible by use of such switch.

52    Each such refrigerator, refrigerator/freezer or freezer displayed for  
53 sale, advertised, or sold without such a switch, without such  
54 description in such instruction book or without such chart and statement  
55 of savings shall constitute a violation.

1 Each day a violation is continued shall constitute a separate  
2 violation.

3 A knowing violation of this section shall be punishable by a fine not  
4 to exceed two hundred fifty dollars.

5 § 15-112. Electric dishwashers. No electric dishwasher which is manu-  
6 factured on or after January first, two thousand nineteen, and which,  
7 upon termination of the rinse cycle, automatically energizes an elec-  
8 trical resistance heating unit shall be displayed for sale, advertised  
9 or sold at retail in this state unless it possesses an easily accessible  
10 manually operated electrical switch capable of eliminating the heating  
11 phase of the dishwasher's drying cycle. Each such switch shall be clear-  
12 ly marked as to its purpose, and fully described in the instruction book  
13 provided with the appliance including a chart that indicates the annual-  
14 ized savings possible by use of the switch at several typical costs of  
15 electricity, and a statement of percentage of energy savings possible by  
16 use of such switch.

17 Each such dishwasher displayed for sale, advertised or sold without  
18 such a switch, without such description in such instruction book or  
19 without such chart and statement of savings shall constitute a  
20 violation.

21 Each day a violation is continued shall constitute a separate  
22 violation.

23 A knowing violation of this section shall be punishable by a fine not  
24 to exceed two hundred fifty dollars.

25 § 15-116. Gas appliances. 1. Legislative intent. The legislature here-  
26 by finds and declares that conservation of gaseous fuels is in the best  
27 interest of the health, safety and welfare of the citizens of this state  
28 and that such conservation also shall result in economic savings to the  
29 users of such fuels. The legislature, further, finds that with the  
30 advances in technology, the use of continuously operated or lighted  
31 pilot lights to provide for ignition of certain gas appliances is both  
32 wasteful and no longer necessary.

33 2. Definitions. As used in this section, the following terms shall  
34 have the following meanings:

35 (a) Gas appliance. Any furnace, air-conditioner, heater, refrigerator,  
36 stove, range, dishwasher, clothes dryer, clothes washer, or other such  
37 device, which uses a gaseous fuel other than propane for the operation  
38 thereof, and which is manufactured after the effective date of this  
39 section, and is automatically ignited by a means other than an intermit-  
40 tent ignition device.

41 The term gas appliance shall not include a water heater which heats  
42 water for domestic use, a stove or range which contains a separate  
43 section specifically designed to provide space heating, or a gravity-  
44 type room heater, wall furnace or floor furnace which does not contain  
45 any electrical component.

46 (b) Automatic gas appliance. Any furnace, air conditioner, heater,  
47 refrigerator, stove, range, dishwasher, clothes dryer, clothes washer,  
48 or other such device, which uses a gaseous fuel other than propane for  
49 the operation thereof, and which is manufactured after the effective  
50 date of this section, and is automatically ignited by an intermittent  
51 ignition device.

52 The term automatic gas appliance shall not include a water heater  
53 which heats water for domestic use, a stove or range which contains a  
54 separate section specifically designed to provide space heating, or a  
55 gravity-type room heater, wall furnace or floor furnace which does not  
56 contain any electrical component.



1 (c) Residence. Any building or structure in this state used principal-  
2 ly for dwelling purposes, including, but not limited to, single and  
3 multiple family dwellings or residences of any nature, including apart-  
4 ments, apartment buildings, apartment projects, condominiums and mobile  
5 homes, but not including hotels or motels.

6 (d) Intermittent ignition device. A device which ignites an automatic  
7 gas appliance to begin normal operation thereof, and which is activated  
8 only at the time such automatic gas appliance is to be so ignited.

9 3. Prohibitions. The following acts shall be unlawful:

10 (a) The sale or offering for sale by advertisement or otherwise or  
11 displaying for sale of gas appliances for use in or in connection with a  
12 residence.

13 (b) The installation or causing the installation of a gas appliance in  
14 a residence.

15 (c) The importation into this state of a gas appliance for use in or  
16 in connection with a residence.

17 (d) The delivery in this state after sale or pursuant to a contract of  
18 sale of a gas appliance for use in or in connection with a residence.

19 (e) The sale or display for sale of an automatic gas appliance for use  
20 in or in connection with a residence, unless such automatic gas appli-  
21 ance is labeled in a manner visible to the purchaser or prospective  
22 purchaser with the words "intermittent ignition", "electric ignition",  
23 "pilotless ignition", "pilotless electric ignition", "spark ignition" or  
24 similar words approved by the commissioner.

25 4. Penalties. A violation of the provisions of this section shall be  
26 punishable by a fine not exceeding five hundred dollars for each such  
27 violation. Provided that each day of a continuing violation shall  
28 constitute a separate and distinct offense.

29 § 15-118. Air conditioners and heat pumps. 1. Definitions. As used in  
30 this article:

31 (a) "Air conditioner" means a combination of components including a  
32 compressor, a condenser and an evaporator powered by single phase  
33 current, having a cooling capacity rating below 65,000 Btu per hour and  
34 which is designed for the purpose of cooling one or more rooms of a  
35 building.

36 (b) "Heat pump" means a combination of components including a compres-  
37 sor, a condenser and an evaporator, which may utilize air or water as  
38 the source of heat, is combined with a central air conditioner, and is  
39 designed for the purpose of heating and cooling one or more rooms of a  
40 building.

41 (c) "Room air conditioner" means an encased air conditioner designed  
42 as a unit for mounting in a window or through the wall for the purpose  
43 of providing delivery of conditioned air to an enclosed space without  
44 ducts, and which is not a packaged terminal air conditioner.

45 (d) "Central air conditioner" means an air conditioner which is not a  
46 room air conditioner or a packaged terminal air conditioner.

47 (e) "Cooling capacity rating" means the quantity of heat in British  
48 thermal units (Btu) which an air conditioner is capable of removing in  
49 one hour.

50 (f) "Power rating" means the power required in watts to produce the  
51 cooling capacity rating.

52 (g) "Energy efficiency ratio (EER)" means the cooling capacity rating  
53 for room air conditioners or packaged terminal air conditioners divided  
54 by the power rating.

55 (h) "Seasonal energy efficiency ratio (SEER)" means the total cooling  
56 of a central air conditioner in Btu during its normal annual usage peri-

od for cooling divided by the total electric power input in watt-hours during the same period.

(i) "Energy efficiency" means the EER or SEER of a room air conditioner or central air conditioner respectively.

(j) "At retail" means the first transfer of goods, for lawful consideration, from any person who is regularly in the business of buying and selling new air conditioners and/or heat pumps for profit to any person who is not regularly in the business of buying and selling new air conditioners and/or heat pumps for profit.

(k) "Packaged terminal air conditioner" means a wall sleeve and a separate uncased chassis with a combination of heating and cooling assemblies intended for mounting through the wall. It includes an air conditioner, outdoor louvers, forced ventilation, controls, and heating capability by heat pump, electricity, hot water or steam.

2. Labeling of new air conditioners and heat pumps. (a) No person shall sell, offer, or expose for sale at retail any new room air conditioner as hereinafter specified unless such air conditioner shall carry in a conspicuous position a nameplate, sign or label stating its: (i) cooling capacity rating, (ii) power rating, and (iii) energy efficiency.

(b) No person shall sell, offer or expose for sale at retail any new central air conditioner or heat pump unless an energy fact sheet which discloses the (i) seasonal energy efficiency ratio and (ii) the cooling capacity rating has been shown to the purchaser prior to the sale of the product. For purposes of providing the required energy information on split system central air conditioners and heat pumps, the fact sheet disclosure shall be based on system performance of the specific condensing unit and evaporator coil combination being sold.

(c) If the federal government shall adopt labeling requirements different from those required in paragraphs (a) and (b) of this subdivision, then upon the effective date of the federal labeling requirements, new air conditioners or heat pumps offered for sale at retail shall comply with the federal labeling requirements, and the state labeling requirements shall be superseded, provided, however, from the time the federal government shall have prescribed such labeling requirements, to the time that such requirements shall become effective, compliance with this section may be met by disclosure of either the required state labeling information or the prescribed federal labeling information.

(d) The month and year of manufacture of such air conditioner or heat pump shall be marked in a readily accessible location on or in said air conditioner or heat pump.

3. Test procedures. Test procedures for the purpose of determining the compliance with this section shall be in accordance with the United States department of energy (USDOE) test procedures in effect at time of manufacture however, if no USDOE test procedures have been adopted, the applicable test procedures adopted by the Air-Conditioning and Refrigeration Institute shall apply.

4. Energy efficiency standards. (a) Room air conditioners. No person shall sell, offer for sale, or expose for sale at retail, any new room air conditioner with an energy efficiency ratio less than the ratio listed:

Minimum Energy Efficiency Ratio (EER)  
in BTU per hour per watt

	Nominal	Energy
Cooling capacity	Operating	Efficiency
BTU per hour	Voltage	Standards

1	<u>5,999 and less</u>	<u>Less than 150</u>	<u>7.5</u>
2	<u>6,000 and over</u>	<u>Less than 150</u>	<u>8.5</u>
3	<u>all sizes</u>	<u>150 or greater</u>	<u>8.2</u>

4 (b) Central air conditioners. No person shall sell, offer for sale,  
5 expose for sale at retail or install any central air conditioner with a  
6 seasonal energy efficiency ratio of less than 9.5.

7 (c) Heat pumps. No person shall sell, offer for sale, expose for sale  
8 at retail or install any combined central air conditioner and heat pump  
9 with a seasonal energy efficiency ratio of less than 8.5.

10 (d) Packaged terminal air conditioners. Packaged terminal air condi-  
11 tioners shall meet the same requirements as other room air conditioners,  
12 as specified in this subdivision, except that no later than September  
13 first, two thousand nineteen, the office shall, after consultation with  
14 other government agencies and representatives of industry as it deems  
15 desirable, promulgate a schedule of minimum energy efficiency ratios for  
16 such packaged terminal air conditioners.

17 5. Advertising of air conditioners and heat pumps. Any printed adver-  
18 tising for air conditioners or heat pumps to be sold at retail including  
19 the cooling capacity rating shall also include the applicable energy  
20 efficiency in a typeface no smaller than that of the corresponding cool-  
21 ing capacity rating.

22 6. Penalties. Any person who shall violate any provision of this  
23 section either personally or through an agent or employee, shall be  
24 subject to a civil penalty of not less than twenty-five dollars nor more  
25 than two hundred fifty dollars for each violation. For purposes of this  
26 section, the sale, offer for sale, or exposure for sale or installation  
27 of any one air conditioner or heat pump which fails to meet the stand-  
28 ards of this section, shall constitute a violation.

29 § 15-120. Fluorescent lamp ballasts. 1. Definitions. As used in this  
30 section:

31 (a) "ANSI" means the American National Standards Institute, Inc.

32 (b) "Ballast efficiency factor" means the ratio of relative light  
33 output to the power input.

34 (c) "Fluorescent lamp ballast" or "ballast" means a device to operate  
35 fluorescent lamps by providing a starting voltage and current and limit-  
36 ing the current during normal operation, and which is (i) designed to  
37 operate at nominal input voltages of one hundred twenty or two hundred  
38 seventy-seven volts; (ii) designed to operate with an input frequency of  
39 sixty hertz; and (iii) designed for use in connection with an F40T12 or  
40 F96T12 lamp; provided, however, that this term shall not include  
41 ballasts which have a dimming capability or are intended for use in  
42 ambient temperatures of 0°F or less or have a power factor of less than  
43 .60.

44 (d) "F40T12 lamp" means a tubular fluorescent lamp which (i) is  
45 forty-eight inches in length and one and a half inches in diameter, (ii)  
46 has a maximum operating current of greater than three hundred fifty  
47 milliamperes and less than five hundred milliamperes and (iii) conforms  
48 to ANSI standard C78.1 - 1978.

49 (e) "F96T12 lamp" means a tubular fluorescent lamp which (i) is nine-  
50 ty-six inches in length and one and a half inches in diameter, (ii) has  
51 a maximum operating current of greater than three hundred fifty milliam-  
52 peres and less than five hundred milliamperes and (iii) conforms to ANSI  
53 standard C78.3 - 1978.

54 (f) "Luminaire" means a complete lighting unit consisting of a  
55 fluorescent lamp, or lamps, together with parts designed to distribute

the light, to position and protect such lamps, and to connect such lamps to the power supply.

(g) "Nominal input voltage" means an input voltage within plus five percent or minus five percent of a specified value.

(h) "Nominal lamp watts" means the wattage at which a fluorescent lamp is designed to operate.

(i) "Power input" means the power consumption in watts of a ballast and fluorescent lamp or lamps, as determined in accordance with the test procedures specified in subdivision two of this section.

(j) "Relative light output" means light output delivered through the use of a ballast divided by the light output through the use of a reference ballast, expressed as a percent, as determined in accordance with the test procedures specified in subdivision two of this section.

2. Test procedures. Relative light output and power input shall be determined in accordance with test procedures specified by ANSI standard C82.2-1977.

3. Energy efficiency standards. (a) On and after January first, two thousand nineteen, no person shall sell, offer for sale, install, or cause to be installed within the state any ballast manufactured after such date which has a ballast efficiency factor less than the applicable value set forth below:

<u>Ballasts Designed for</u> <u>the Operation of</u>	<u>Nominal</u> <u>Input</u> <u>Voltage</u>	<u>Total Nominal</u> <u>Lamp Watts</u>	<u>Ballast</u> <u>Efficiency Factor</u>
<u>one F40T12 lamp</u>	<u>120</u>	<u>40</u>	<u>1.805</u>
	<u>277</u>	<u>40</u>	<u>1.805</u>
<u>two F40T12 lamps</u>	<u>120</u>	<u>80</u>	<u>1.060</u>
	<u>277</u>	<u>80</u>	<u>1.050</u>
<u>two F96T12 lamps</u>	<u>120</u>	<u>150</u>	<u>0.570</u>
	<u>277</u>	<u>150</u>	<u>0.570</u>

Provided, however, that a ballast manufactured prior to January first, two thousand nineteen which does not meet the ballast efficiency factors set out above may be sold, offered for sale, installed, or caused to be installed within the state only if the date of manufacture can be readily determined from the model number or other identification provided on the ballast carton.

(b) On and after January first, two thousand nineteen, no person shall sell, offer for sale, install, or cause to be installed within the state any ballast which has a ballast efficiency factor less than the applicable value set forth in paragraph (a) of this subdivision.

(c) On and after January first, two thousand nineteen, no person shall sell or offer for sale within the state any luminaire containing a ballast which has a ballast efficiency factor less than the applicable value set forth in paragraph (a) of this subdivision unless such ballast was manufactured prior to January first, two thousand nineteen.

(d) On and after January first, two thousand nineteen, no person shall sell or offer for sale within the state any luminaire which contains a ballast with a ballast efficiency factor less than the applicable factor set forth in paragraph (a) of this subdivision.

4. (a) No manufacturer of fluorescent lamp ballasts manufactured after January first, two thousand nineteen shall sell or cause such ballasts to be sold for resale or installation in the state unless there has been filed with the office a compliance statement which includes the following information: name and address of the ballast manufacturer; brand name and model number of the ballast; name and address of the testing

1 agent which performed the test procedures necessary to determine the  
2 ballast efficiency factor; the date and results of such test; and a  
3 declaration that the fluorescent lamp ballast meets or exceeds the  
4 ballast efficiency factor specified in subdivision three of this  
5 section.

6 (b) The commissioner may determine that approval by an industry or  
7 governmental certification agency which reviews the same or similar  
8 information as required by paragraph (a) of this subdivision shall serve  
9 in lieu of the compliance statement.

10 5. Penalties. A violation of the provisions of this section shall be  
11 punishable by a fine not exceeding one hundred dollars. For the purposes  
12 of this section, each sale, offer for sale or installation of a ballast  
13 which fails to meet the efficiency standards of this section, or a lumi-  
14 naire containing such a ballast, shall constitute a separate violation.

15 § 6. Sections 12-101-a and 17-102 of the energy law are REPEALED.

16 § 7. Continuance of rules and regulations. All rules, regulations,  
17 acts, determinations and decisions of the state consumer protection  
18 board, pertaining to articles 12 and 17 of the energy law, and assigned  
19 pursuant to this act to the state energy office shall continue in force  
20 and effect as rules, regulations, acts, determinations and decisions of  
21 the state energy office or the commissioner of the state energy office  
22 until duly modified or repealed.

23 § 8. Subdivision 1 of section 21 of the executive law, as amended by  
24 chapter 176 of the laws of 2013, is amended to read as follows:

25 1. There is hereby created in the executive department a disaster  
26 preparedness commission consisting of the commissioners of transporta-  
27 tion, health, state energy office, division of criminal justice  
28 services, education, economic development, agriculture and markets,  
29 housing and community renewal, general services, labor, environmental  
30 conservation, mental health, parks, recreation and historic preserva-  
31 tion, corrections and community supervision, children and family  
32 services, homeland security and emergency services, and people with  
33 developmental disabilities, the president of the New York state energy  
34 research and development authority, the superintendents of state police  
35 and financial services, the secretary of state, the state fire adminis-  
36 trator, the chair of the public service commission, the adjutant gener-  
37 al, the office of information technology services, and the office of  
38 victim services, the chairs of the thruway authority, the office for the  
39 aging, the metropolitan transportation authority, the port authority of  
40 New York and New Jersey, the chief professional officer of the state  
41 coordinating chapter of the American Red Cross and three additional  
42 members, to be appointed by the governor, two of whom shall be chief  
43 executives. Each member agency may designate an executive level officer  
44 of that agency, with responsibility for disaster preparedness matters,  
45 who may represent that agency on the commission. The commissioner of the  
46 division of homeland security and emergency services shall serve as  
47 chair of the commission, and the governor shall designate the vice chair  
48 of the commission. The members of the commission, except those who serve  
49 ex officio, shall be allowed their actual and necessary expenses  
50 incurred in the performance of their duties under this article but shall  
51 receive no additional compensation for services rendered pursuant to  
52 this article.

53 § 9. Paragraph (c) of subdivision 1 of section 169 of the executive  
54 law, as amended by section 9 of part A of chapter 60 of the laws of  
55 2012, is amended to read as follows:



(c) commissioner of agriculture and markets, commissioner of alcoholism and substance abuse services, adjutant general, commissioner and president of state civil service commission, commissioner of economic development, commissioner of the state energy office, chair of the energy research and development authority, president of higher education services corporation, commissioner of motor vehicles, member-chair of board of parole, chair of public employment relations board, secretary of state, commissioner of alcoholism and substance abuse services, executive director of the housing finance agency, commissioner of housing and community renewal, executive director of state insurance fund, commissioner-chair of state liquor authority, chair of the workers' compensation board;

§ 10. Paragraph a of subdivision 1 of section 374 of the executive law, as amended by section 96 of subpart B of part C and as further amended by section 104 of part A of chapter 62 of the laws of 2011, is amended to read as follows:

a. Two members, to be appointed by the governor, from among the commissioners of the departments of economic development, corrections and community supervision, education, health[, and labor, [~~mental health and social services, office~~] offices of general services, energy, mental health and temporary and disability assistance, division of housing and community renewal, and the superintendent of financial services.

§ 11. Section 15-2901 of the environmental conservation law, as amended by chapter 83 of the laws of 1995, is amended to read as follows:

§ 15-2901. Water resources planning council; organization.

There is hereby established within the department [~~of environmental conservation~~] a water resources planning council. It shall consist of fifteen members, including the commissioners of agriculture and markets, economic development, energy, environmental conservation, health, transportation, the chair of the public service commission, [~~president of the New York state energy research and development authority,~~] secretary of state and seven members to be appointed by the governor including at least one member who shall have expertise in the science of water resources planning and at least one member selected from a list proposed by public interest or environmental citizens organizations. These seven members shall serve terms of four years each. Two of the members shall be appointed upon the recommendation of the majority leader of the senate and two of the members shall be appointed upon the recommendation of the speaker of the assembly. The governor shall select a chair from among the members. Meetings of the council shall be called by the chair. Members shall receive reimbursement for expenses.

§ 12. Subdivisions 1 and 2 of section 23-0311 of the environmental conservation law, as amended by chapter 83 of the laws of 1995, are amended to read as follows:

1. A thirteen member New York state oil, gas and solution mining advisory board shall be created within the department to advise and assist the commissioner and other state agencies on activities and policies related to the development, operation and regulation of the oil, gas and solution mining industry. The members shall be appointed by the governor, with a majority representative of the respective industries. Three of the members shall be appointed upon recommendation of the [~~majority leader~~] temporary president of the senate and three of the members shall be appointed upon recommendation of the speaker of the assembly. Appointments shall be made for three-year terms. Members shall continue in office until their successors have been appointed and qualified. The

1 governor shall select a chair from among the members. The board shall  
2 meet at least twice yearly and the members shall receive reimbursement  
3 for expenses. The department shall provide the board with secretarial  
4 services.

5 2. The chair of the public service commission, the [~~president of the~~  
6 ~~New York state energy research and development authority~~] commissioner  
7 of the state energy office, the state geologist, and the commissioner  
8 shall serve the board in an ex-officio capacity.

9 § 13. Subdivision 3 of section 23-2101 of the environmental conserva-  
10 tion law, as amended by chapter 83 of the laws of 1995, is amended to  
11 read as follows:

12 3. The [~~Commissioner~~] commissioner shall be the official represen-  
13 tative of this state on the Interstate Oil Compact Commission. At the  
14 direction of the commissioner, any other officer or employee of the  
15 department may serve as substitute representative in the place and stead  
16 of the commissioner. The commissioner shall consult and coordinate with  
17 the [~~president of the New York state energy research and development~~  
18 ~~authority~~] commissioner of the state energy office on issues relating to  
19 state energy policy.

20 § 14. The closing paragraph of section 391-a of the general business  
21 law, as amended by chapter 83 of the laws of 1995, is amended to read as  
22 follows:

23 The provisions of this section shall not apply to any person acting  
24 pursuant to a directive or in accordance with an order issued by the  
25 [~~governor~~] commissioner of the state energy office to avert or alleviate  
26 shortages or disruptions of supplies of liquid fuels, lubricating oils  
27 or similar products. Any such directive or order may impose disclosure  
28 requirements deemed by [~~the governor~~] such commissioner to be in the  
29 public interest.

30 § 15. Section 84-a of the private housing finance law, as amended by  
31 chapter 83 of the laws of 1995, is amended to read as follows:

32 § 84-a. Additional supervision and regulation of housing companies.  
33 The commissioner shall require that every company file with him, within  
34 six months of the effective date of regulations implementing this  
35 section and in such format as the commissioner shall prescribe, after  
36 consultation with the state energy office, an energy audit report which  
37 identifies potential energy-saving building improvements, including  
38 alterations, modifications and adjustments to the building structure,  
39 heating, cooling, lighting and ventilation systems; their relative  
40 costs; potential energy and cost savings; and simple payback periods,  
41 which for the purpose of this section shall mean that period of time  
42 within which the estimated cost of such improvements, exclusive of the  
43 cost of capital, would be recovered from the savings generated by  
44 reduced energy consumption resulting from the improvements. The energy  
45 audit shall be conducted by a public utility, an engineer or architect  
46 licensed by the state, or the managing agent or other representative of  
47 the company if such individual has attended an energy audit training  
48 workshop sponsored by the commissioner of the state energy office. A  
49 copy of the energy audit report, required herein, shall be given to any  
50 duly constituted tenant's association or cooperator's advisory council  
51 and a copy shall be available for inspection and copying by any individ-  
52 ual tenant who requests it. The commissioner shall also require that  
53 every company certify by March thirty-first, nineteen hundred eighty-  
54 four that all compatible conservation measures identified in the energy  
55 audit report which have simple payback period of one year or less have  
56 been implemented; provided, however, if the commissioner determines

1 within sixty days of the date the energy audit report is filed that one  
2 or more of such identified conservation measures cannot be implemented  
3 by March thirty-first, nineteen hundred eighty-four, given the projected  
4 rent revenues and any other monies available to the company from reserve  
5 funds, loans or grants from the state or federal government or any other  
6 source, the implementation of such conservation measures shall be  
7 provided for according to a schedule prescribed by the commissioner.

8 § 16. Subdivision 2 of section 1852 of the public authorities law, as  
9 amended by chapter 156 of the laws of 2014, is amended to read as  
10 follows:

11 2. The membership of the authority shall consist of thirteen members,  
12 to be as follows: the commissioner of the [~~department of transportation~~]  
13 state energy office, who shall be the chair, the commissioner of the  
14 department of environmental conservation, the chair of the public  
15 service commission, the president and chief executive officer of the  
16 power authority of the State of New York, all of whom, except the chair,  
17 shall serve ex-officio; and nine members appointed by the governor by  
18 and with the advice and consent of the senate; one of whom shall be an  
19 engineer or a research scientist with a degree in the physical sciences  
20 or engineering who has not been employed in the nuclear fission field  
21 for three years preceding the appointment and who shall not be so  
22 employed during his or her term; one of whom shall be an economist who  
23 shall not have received more than one-tenth of his or her income from an  
24 electric utility or gas utility for three years preceding the appoint-  
25 ment and who shall not so derive more than one-tenth of his or her  
26 income during such term; one of whom [~~who~~] shall be a member of a not-  
27 for-profit environmental group; one of whom shall be a member of a not-  
28 for-profit consumer group; one of whom [~~who~~] shall be an officer of a  
29 utility primarily engaged in the distribution of gas; and one of whom  
30 shall be an officer of an electric utility. [~~The governor shall designate the chair.~~] Of the nine members appointed by the governor, two  
31 shall be appointed for terms expiring April first, nineteen hundred  
32 seventy-eight, two for terms expiring April first, nineteen hundred  
33 eighty, two for terms expiring April first, nineteen hundred eighty-one,  
34 and three for terms expiring April first, nineteen hundred eighty-two.  
35 Persons appointed by the governor for full terms as successors to such  
36 members shall serve for terms of six years each commencing as of April  
37 first. In the event of a vacancy occurring in the office of a member by  
38 death, resignation or otherwise, the governor shall appoint a successor,  
39 by and with the advice and consent of the senate, to serve the balance  
40 of the unexpired term.

42 § 17. Subdivisions 10, 11, 12, 13, 14, 15, 16 and 17 of section 1854  
43 of the public authorities law are REPEALED.

44 § 18. Transfer of records. The president of the New York state energy  
45 research and development authority shall deliver to the commissioner of  
46 the state energy office all books, papers, records and property of such  
47 authority pertaining to the functions transferred pursuant to this act  
48 to the state energy office.

49 § 19. Continuity of authority. For the purpose of succession to all  
50 functions, powers, duties and obligations of the New York state energy  
51 research and development authority transferred and assigned to, devolved  
52 upon and assumed by the state energy office pursuant to this act, such  
53 office shall be deemed and held to constitute the continuation of such  
54 authority and not a different agency or authority.

55 § 20. Completion of unfinished business. Any business or other matter  
56 undertaken or commenced by the New York state energy research and devel-

1 opment authority pertaining to or connected with the functions, powers,  
2 obligations and duties hereby transferred and assigned, and pending on  
3 the effective date of this act, may be conducted and completed by the  
4 state energy office.

5 § 21. Continuance of rules and regulations. All rules, regulations,  
6 acts, determinations and decisions of the New York state energy research  
7 and development authority, pertaining to the functions transferred and  
8 assigned pursuant to this act to the state energy office in force at the  
9 time of such transfer, assignment, assumption or devolution shall  
10 continue in force and effect as rules, regulations, acts, determinations  
11 and decisions of the state energy office until duly modified or  
12 repealed.

13 § 22. Terms occurring in laws, contracts and other documents. Whenever  
14 the New York state energy research and development authority and the  
15 president thereof, the functions, powers, obligations and duties of  
16 which are transferred pursuant to this act to the state energy office or  
17 the commissioner thereof, are referred to or designated in any law,  
18 contract or document pertaining to the functions, powers, obligations  
19 and duties hereby transferred and assigned, such reference or design-  
20 nation shall be deemed to refer to the state energy office or the  
21 commissioner thereof.

22 § 23. Existing rights and remedies preserved. No existing right or  
23 remedy of any character shall be lost, impaired, or affected by reason  
24 of the provisions of this act.

25 § 24. Pending actions and proceedings. No action or proceeding pending  
26 at the time this act takes effect, brought by or against the New York  
27 state energy research and development authority or the president there-  
28 of, the functions, duties and obligations of which are assigned pursuant  
29 to this act to the state energy office shall be affected by any  
30 provision of this act, but the same may be prosecuted or defended in the  
31 name of the commissioner of the state energy office. In all such actions  
32 and proceedings, the state energy office, upon application to the court,  
33 shall be substituted as a party.

34 § 25. Transfer of appropriations heretofore made. All appropriations  
35 or reappropriations heretofore made to the New York state energy  
36 research and development authority for the functions, duties and obli-  
37 gations assigned to the state energy office pursuant to this act, or  
38 segregated pursuant to law, to the extent of remaining unexpended or  
39 unencumbered balances thereof, whether allocated or unallocated and  
40 whether obligated or unobligated, are transferred to and made available  
41 for use and expenditure by the state energy office for the same purposes  
42 for which originally appropriated or reappropriated and shall be payable  
43 on vouchers certified or approved by the commissioner of the state ener-  
44 gy office or duly authorized representative of such commissioner on  
45 audit and warrant of the comptroller.

46 § 26. The state energy office shall administer loans, agreements,  
47 contracts and commitments of the New York state energy research and  
48 development authority in effect as of the effective date of this act.

49 § 27. This act shall take effect on the first of January next succeed-  
50 ing the date on which it shall have become a law; provided that any and  
51 all actions necessary to implement the provisions of this act on its  
52 effective date are authorized and directed to be taken and completed on  
53 or before such date.