

STATE OF NEW YORK

9514

IN ASSEMBLY

March 16, 2022

Introduced by M. of A. KELLES -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law and the state administrative procedure act, in relation to requiring state agencies to evaluate bids and license applications for compliance with the goals set forth in the New York state climate leadership and community protection act

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

1 Section 1. The state finance law is amended by adding a new section
2 139-m to read as follows:

3 § 139-m. Obligation to comply with the New York state climate leader-
4 ship and community protection act goals. 1. Every state agency shall
5 evaluate bids for compliance with the goals set forth in the New York
6 state climate leadership and community protection act.

7 2. Each bidder shall submit with its bid information stating:

8 (a) how the project aligns with the New York state climate leadership
9 and community protection act, including:

10 (i) how the project aligns with the greenhouse gas emission limits set
11 forth in section 75-0107 of the environmental conservation law;

12 (ii) what are the estimated greenhouse gas emissions resulting from
13 the project;

14 (iii) what energy source will be used;

15 (iv) what are the short-term and long-term energy sources that will be
16 used for the project and what are the anticipated short-term and long-
17 term effects of using such energy sources;

18 (b) how the project will impact the goals set forth in the New York
19 state climate leadership and community protection act, including calcu-
20 lations of energy usage, incorporating upstream impacts from point of
21 energy usage;

22 (c) an assessment of impact on environmental justice pursuant to arti-
23 cle forty-eight of the environmental conservation law; and

24 (d) the number of jobs estimated to be created as a result of the
25 project, if any.

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

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1 3. State agencies shall evaluate the information provided in the bid
2 pursuant to subdivision two of this section to determine how closely the
3 bid aligns to the goals set forth in the New York state climate leader-
4 ship and community protection act and shall take such information into
5 account when making a final determination on the bid.

6 § 2. Subdivision 2 of section 163 of the state finance law is amended
7 by adding a new paragraph g to read as follows:

8 g. To ensure compliance with the goals set forth in the New York state
9 climate leadership and community protection act by requiring bids to
10 include information stating how the bid aligns with the act, including:
11 how the bid aligns with the greenhouse gas emission limits set forth in
12 section 75-0107 of the environmental conservation law; what are the
13 estimated greenhouse gas emissions resulting from the bid; what energy
14 source will be used; and what are the short-term and long-term energy
15 sources that will be used for the bid and what are the anticipated
16 short-term and long-term effects of using such energy sources; how the
17 bid will impact the goals set forth in the New York state climate lead-
18 ership and community protection act, including calculations of energy
19 usage, incorporating upstream impacts from point of energy usage; an
20 assessment of impact on environmental justice pursuant to article
21 forty-eight of the environmental conservation law; and the number of
22 jobs estimated to be created as a result of the project, if any.

23 § 3. Section 163 of the state finance law is amended by adding a new
24 subdivision 16 to read as follows:

25 16. Compliance with the New York state climate leadership and communi-
26 ty protection act. It shall be the responsibility of the head of each
27 state agency to review and, as needed, revise the procurement process to
28 ensure that state agency purchases are conducted in a manner that is
29 consistent with the goals set forth in the New York state climate lead-
30 ership and community protection act. Such process shall require that
31 each bidder include information stating:

32 a. how the bid aligns with the New York state climate leadership and
33 community protection act, including:

34 (i) how the bid aligns with the greenhouse gas emission limits set
35 forth in section 75-0107 of the environmental conservation law;

36 (ii) what are the estimated greenhouse gas emissions resulting from
37 the bid;

38 (iii) what energy source will be used;

39 (iv) what are the short-term and long-term energy sources that will be
40 used for the bid and what are the anticipated short-term and long-term
41 effects of using such energy sources;

42 b. how the bid will impact the goals set forth in the New York state
43 climate leadership and community protection act, including calculations
44 of energy usage, incorporating upstream impacts from point of energy
45 usage;

46 c. an assessment of impact on environmental justice pursuant to arti-
47 cle forty-eight of the environmental conservation law; and

48 d. the number of jobs estimated to be created as a result of the bid,
49 if any.

50 § 4. The state administrative procedure act is amended by adding a new
51 section 403 to read as follows:

52 § 403. Compliance with the New York state climate leadership and
53 community protection act. 1. Notwithstanding any provision of law to the
54 contrary, a state agency shall, by promulgation of regulations, require
55 an application for a license to include information regarding compliance
56 with the goals set forth in the New York state climate leadership and

1 community protection act. Such information shall require that each
2 applicant provide information stating:

3 a. how the license aligns with the New York state climate leadership
4 and community protection act, including:

5 (i) how the license aligns with the greenhouse gas emission limits set
6 forth in section 75-0107 of the environmental conservation law;

7 (ii) what are the estimated greenhouse gas emissions resulting from
8 the license;

9 (iii) what energy source will be used;

10 (iv) what are the short-term and long-term energy sources that will be
11 used for the license and what are the anticipated short-term and long-
12 term effects of using such energy sources;

13 b. how the license will impact the goals set forth in the New York
14 state climate leadership and community protection act, including calcu-
15 lations of energy usage, incorporating upstream impacts from point of
16 energy usage;

17 c. an assessment of impact on environmental justice pursuant to arti-
18 cle forty-eight of the environmental conservation law; and

19 d. the number of jobs estimated to be created as a result of the
20 license, if any.

21 2. This section shall apply to applications for the issuance, modifi-
22 cation or renewal of any permit, license, certificate, approval, regis-
23 tration, charter, or similar form of permission or authority required by
24 law, or by state agency rules having the force and effect of law, which
25 is required for a business undertaking, project or activity for an
26 applicant, but shall not include bonds or other forms of security
27 required to be submitted by applicants, any individual licenses for
28 practicing a profession prescribed in title eight of the education law,
29 filings under the uniform commercial code, or routine licenses and
30 permits for individual privileges, including licenses for operating a
31 motor vehicle.

32 § 5. This act shall take effect immediately.