S T A T E O F N E W Y O R K

1898

2009-2010 Regular Sessions

I N A S S E M B L Y

January 14, 2009

Introduced by M. of A. MORELLE, COLTON, KOON -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to establishing a used printer cartridge collection 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. Legislative findings and intent. The legislature finds that New York state's remanufacturing industry, which is composed of a wide array of businesses, many of which are small businesses, is a vital sector of the economy, employing thousands of people while diverting thousands of tons of waste from entering our landfills. The legislature further finds that the state procurement process already encourages the purchasing of products that are recycled and those that can be supplied from our largest growth sector, small businesses. Based on these two precedents and the fact that remanufactured products are the highest form of recycling, the legislature finds and declares that the state should actively seek to purchase remanufactured toner cartridges.

S 2. Paragraph b of subdivision 3 of section 165 of the state finance law is amended by adding a new subparagraph (iii) to read as follows:

(III) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE COMMISSIONER SHALL COMMENCE A USED PRINTER CARTRIDGE COLLECTION DEMONSTRATION PROGRAM, WHEREBY ANY STATE EMPLOYEE USING A PRINTER, MACHINE OR OTHER COMMODITY CONTAINING A TONER OR INK JET PRINTER CARTRIDGE WILL FACILITATE THE RECAPTURE OF SUCH TONER OR INK JET PRINTER CARTRIDGE DURING SERVICE AND REPAIR OR DISPOSAL OF SUCH ITEM. NOTHING IN THIS SUBPARAGRAPH SHALL BE CONSTRUED TO INTERFERE WITH EXISTING REMANUFACTURING OR RECYCLING PROGRAMS OR AGREEMENTS ALREADY IN PLACE BETWEEN ANY STATE AGENCIES, ORIGINAL EQUIPMENT MANUFACTURERS, CARTRIDGE REMANUFACTURERS, OR ANY QUALIFIED NON-PROFIT AGENCIES FOR THE BLIND AND SEVERELY DISABLED.

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

LBD04910-01-9

S 3. Subdivision 3 of section 163 of the state finance law is amended by adding a new paragraph e to read as follows:

E. THE COMMISSIONER SHALL WORK IN CONJUNCTION WITH PRINTER CARTRIDGE REMANUFACTURERS AND ORIGINAL EQUIPMENT MANUFACTURERS TO ESTABLISH A DEMONSTRATION RECOVERY PROGRAM WHEREBY REMANUFACTURERS MAY PURCHASE THE COLLECTED USED TONER CARTRIDGES FOR THE PURPOSE OF REMANUFACTURING THEM. THE COMMISSIONER SHALL PERMIT AND PRESCRIBE BY RULE AND REGULATION THE CONDITIONS AND CRITERIA FOR ANY QUALIFIED REMANUFACTURER APPROVED BY THE COMMISSIONER TO MAKE PURCHASES USING CENTRALIZED CONTRACTS FOR TONER CARTRIDGES FOR THE PURPOSES OF BEING REMANUFACTURED. NOTHING IN THIS PARAGRAPH SHALL BE CONSTRUED TO INTERFERE WITH EXISTING REMANUFACTURING OR RECYCLING PROGRAMS OR AGREEMENTS ALREADY IN PLACE BETWEEN ANY STATE AGENCIES, ORIGINAL EQUIPMENT MANUFACTURERS, CARTRIDGE REMANUFACTURERS, OR ANY QUALIFIED NON-PROFIT AGENCIES FOR THE BLIND AND SEVERELY DISABLED. THE COMMISSIONER IS HEREBY AUTHORIZED TO PROMULGATE REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE TO ADMINISTER A DEMONSTRATION CARTRIDGE RECOVERY PROGRAM.

S 4. This act shall take effect on the thirtieth day after it shall have become a law and shall expire and be deemed repealed 3 years after such effective date; provided, however, that the amendments to subdivision 3 of section 163 of the state finance law made by section three of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.