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2009-2010 Regular Sessions

I N A S S E M B L Y

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Introduced by M. of A. GALEF, JOHN, GORDON, COLTON, MILLMAN, FINCH, WALKER -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, CALHOUN, ESPAILLAT, JAFFEE, MAYERSOHN, SWEENEY, THIELE -- read once and referred to the Committee on Energy

AN ACT to amend the energy law, in relation to energy performance contracts in connection with public buildings and facilities

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

1 Section 1. Subdivision 4 of section 9-102 of the energy law, as added
2 by chapter 733 of the laws of 1985 is renumbered subdivision 12 and
3 amended, and eight new subdivisions 4, 5, 6, 7, 8, 9, 10 and 11 are
4 added to read as follows:

5 4. "ALTERNATIVE SOURCES OF ENERGY" MEANS ENERGY GENERATED THROUGH
6 HYDROELECTRIC, BIOMASS, GEOTHERMAL, WIND, SOLAR THERMAL, OR PHOTOVOLTAIC
7 MEANS.

8 5. "HYDROELECTRIC ENERGY" MEANS THE GENERATING OF ELECTRICITY BY
9 CONVERSION OF THE ENERGY OF RUNNING WATER.

10 6. "BIOMASS ENERGY" MEANS ENERGY GENERATED FROM ANY PLANT DERIVED
11 ORGANIC MATTER AVAILABLE ON A RENEWABLE BASIS, INCLUDING DEDICATED ENER-
12 GY CROPS AND TREES, AGRICULTURAL FOOD AND FEED CROPS, AGRICULTURAL CROP
13 WASTES, MUNICIPAL WASTES, AND OTHER WASTE MATERIALS.

14 7. "GEOTHERMAL ENERGY" MEANS ENERGY GENERATED THROUGH THE USE OF THE
15 TEMPERATURE OF THE EARTH.

16 8. "WIND ENERGY" MEANS ENERGY GENERATED THROUGH THE USE OF WIND.

17 9. "SOLAR THERMAL ENERGY" MEANS ENERGY GENERATED THROUGH THE HEAT OF
18 THE SUN.

19 10. "PHOTOVOLTAIC ENERGY" MEANS ENERGY GENERATED THROUGH THE USE OF
20 LIGHT.

21 11. "RENEWABLE ENERGY" MEANS ENERGY GENERATED FROM SOURCES THAT ARE
22 ESSENTIALLY INEXHAUSTIBLE. RENEWABLE SOURCES OF ENERGY INCLUDE ALL
23 ALTERNATIVE SOURCES OF ENERGY.

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

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1 12. "Energy performance contract" means an agreement for the provision
2 of energy services, including but not limited to electricity, heating,
3 ventilation, cooling, steam or hot water, in which a person agrees to
4 install, maintain or manage energy systems or equipment to improve the
5 energy efficiency of, or produce energy in connection with, a building
6 or facility in exchange for a portion of the energy savings or revenues.
7 THE CONTRACT SHALL CONSIST OF A RENEWABLE ENERGY EFFICIENCY STUDY TO
8 FACILITATE CONSIDERATION OF ALTERNATIVES IN ENERGY SYSTEMS.

9 S 2. Section 9-103 of the energy law is amended by adding a new subdi-
10 vision 9 to read as follows:

11 9. ALL ENERGY PERFORMANCE CONTRACTS SHALL INCLUDE AN ENERGY EFFICIENCY
12 STUDY OF AT LEAST ONE RENEWABLE ENERGY SOURCE THAT BEST FITS THE
13 PROJECT'S GOAL. THIS STUDY SHALL INCLUDE THE COST OF INSTALLATION OF
14 SUCH SYSTEM, MAINTENANCE AND OPERATION COSTS FOR UP TO TEN YEARS, AND AN
15 ANALYSIS OF THE ENERGY SAVINGS.

16 S 3. This act shall take effect on the ninetieth day after it shall
17 have become a law and shall apply to any contract entered into on or
18 after such effective date.