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

1000

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law and the general municipal law, in relation to permitting the purchase of renewable energy sources in the awarding of public contracts

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

Section 1. Subdivision 1 of section 3-0301 of the environmental conservation law is amended by adding a new paragraph oo to read as follows:

OO. ENCOURAGE OFFICERS, BOARDS AND AGENCIES OF POLITICAL SUBDIVISIONS TO USE RENEWABLE ENERGY SOURCES WHEN PURCHASING PRODUCTS FOR PUBLIC USE;

S 2. Section 104-a of the general municipal law, as amended by chapter 468 of the laws of 1994, is amended to read as follows:

S 104-a. Purchasing of products for public use. 1. Notwithstanding the provisions of section one hundred three of this [chapter] ARTICLE, when purchasing products the officer, board or agency of any political subdivision or of any district therein charged with the awarding of public contracts may, wherever RENEWABLE ENERGY RESOURCES OR recycled products meet contract specifications and the price of such products is reasonably competitive, purchase such products. For the purpose of this section [and until July first, nineteen hundred ninety-six, "recycled product" shall mean any product which has been manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and meets secondary material content requirements adopted by the office of general services under subdivision one of section one hundred seventy-seven of the state finance law for products available to the political subdivision or district under state contract or, if no such contract for such product is available, any product which meets the secondary material content

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

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requirements adopted by the political subdivision or district thereof with respect to a specific commodity procurement by such entity. On and after July first, nineteen hundred ninety-six,]:

(A) "recycled product" shall mean[, for the purposes of this section,] any product which is manufactured from secondary materials, as defined in subdivision one of section two hundred sixty-one of the economic development law, and which meets the requirements of subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto[. For the purpose of this section,];

(B) "RENEWABLE ENERGY RESOURCES" SHALL INCLUDE SOURCES THAT ARE CAPABLE OF BEING CONTINUOUSLY RESTORED BY NATURAL OR OTHER MEANS OR ARE SO LARGE AS TO BE USEABLE FOR CENTURIES WITHOUT SIGNIFICANT DEPLETION AND INCLUDE SOLAR, WIND, PHOTOVOLTAICS, METHANE WASTE, TIDAL, GEOTHERMAL, AND FUEL CELL TECHNOLOGIES; AND

(C) "reasonably competitive" shall mean:

(I) that the cost of the recycled product does not exceed a cost premium of ten percent above the cost of a comparable product that is not a recycled product or, if at least fifty percent of the secondary materials utilized in the manufacture of that product are generated from the waste stream in New York state, the cost of the recycled product does not exceed a cost premium of fifteen percent above the cost of a comparable product that is not a recycled product; OR

(II) THAT THE COST OF THE RENEWABLE ENERGY RESOURCE DOES NOT EXCEED A COST PREMIUM OF FIFTEEN PERCENT ABOVE THE COST OF A COMPARABLE PRODUCT THAT IS NOT A RENEWABLE ENERGY RESOURCE.

2. Whenever such officer, board or agency shall purchase or cause the purchase of printing on recycled paper pursuant to this section, he or she shall require the printed material to contain the official state recycling emblem established pursuant to subdivision two of section 27-0717 of the environmental conservation law and regulations promulgated pursuant thereto if such paper has been approved by the department of environmental conservation as satisfying the requirements of such statute and regulations, or, if such paper has not been so approved, require the printed material to include a printed statement which indicates the percentages of pre-consumer and post-consumer recycled material content of such paper.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.