

1035

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 Local Government

AN ACT to amend the general municipal law, in relation to expanding the  
products which may be purchased for public use

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

1 Section 1. Section 104-a of the general municipal law, as amended by  
2 chapter 468 of the laws of 1994, is amended to read as follows:  
3 S 104-a. Purchasing of products for public use. 1. Notwithstanding  
4 the provisions of section one hundred three of this [chapter] ARTICLE,  
5 when purchasing products the officer, board or agency of any political  
6 subdivision or of any district therein charged with the awarding of  
7 public contracts may, wherever RENEWABLE ENERGY RESOURCES OR recycled  
8 products meet contract specifications and the price of such products is  
9 reasonably competitive, purchase such products. For the purpose of this  
10 section [and until July first, nineteen hundred ninety-six, "recycled  
11 product" shall mean any product which has been manufactured from second-  
12 ary materials, as defined in subdivision one of section two hundred  
13 sixty-one of the economic development law, and meets secondary material  
14 content requirements adopted by the office of general services under  
15 subdivision one of section one hundred seventy-seven of the state  
16 finance law for products available to the political subdivision or  
17 district under state contract or, if no such contract for such product  
18 is available, any product which meets the secondary material content  
19 requirements adopted by the political subdivision or district thereof  
20 with respect to a specific commodity procurement by such entity. On and  
21 after July first, nineteen hundred ninety-six,]:  
22 (A) "recycled product" shall mean[, for the purposes of this section,]  
23 any product which is manufactured from secondary materials, as defined  
24 in subdivision one of section two hundred sixty-one of the economic  
25 development law, and which meets the requirements of subdivision two of

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

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1 section 27-0717 of the environmental conservation law and regulations  
2 promulgated pursuant thereto[. For the purpose of this section,];

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

8 (C) "reasonably competitive" shall mean:

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

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

19 2. Whenever such officer, board or agency shall purchase or cause the  
20 purchase of printing on recycled paper pursuant to this section, he or  
21 she shall require the printed material to contain the official state  
22 recycling emblem established pursuant to subdivision two of section  
23 27-0717 of the environmental conservation law and regulations promulgat-  
24 ed pursuant thereto if such paper has been approved by the department of  
25 environmental conservation as satisfying the requirements of such stat-  
26 ute and regulations, or, if such paper has not been so approved, require  
27 the printed material to include a printed statement which indicates the  
28 percentages of pre-consumer and post-consumer recycled material content  
29 of such paper.

30 S 2. This act shall take effect on the first of January next succeed-  
31 ing the date on which it shall have become a law. Effective immediately,  
32 the addition, amendment and/or repeal of any rule or regulation neces-  
33 sary for the implementation of this act on its effective date are  
34 authorized and directed to be made and completed on or before such  
35 effective date.