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

407

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ROBACH -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

AN ACT to amend the energy law, in relation to energy efficiency performance standards for general purpose lighting products

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

Section 1. The energy law is amended by adding a new article 15 to read as follows:

ARTICLE 15

GENERAL PURPOSE LIGHTING PRODUCTS ENERGY EFFICIENCY PERFORMANCE STANDARDS

SECTION 15-101. DEFINITIONS.
15-103. APPLICABILITY, CONDUCT PROHIBITED.
15-105. ADMINISTRATION OF ARTICLE.

S 15-101. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "AUTHORITY" MEANS THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

2. "ENERGY EFFICIENCY PERFORMANCE STANDARDS" MEANS PERFORMANCE STANDARDS WHICH PRESCRIBE A MINIMUM LEVEL OF ENERGY EFFICIENCY DETERMINED IN ACCORDANCE WITH TEST PROCEDURES PRESCRIBED BY THE SECRETARY IN CONSULTATION WITH THE PRESIDENT.

3. "GENERAL PURPOSE LIGHTING PRODUCTS" MEANS AND INCLUDES INCANDESCENT LAMPS, INCLUDING CLEAR, FROST SOFT WHITE AND ENHANCED SPECTRUM LAMPS, FLUORESCENT LAMPS, COMPACT FLUORESCENT LAMPS AND HALOGEN LAMPS.

4. "PRESIDENT" MEANS THE PRESIDENT OF THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

5. "SECRETARY" MEANS THE SECRETARY OF STATE.

S 15-103. APPLICABILITY, CONDUCT PROHIBITED. 1. THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE TESTING, CERTIFICATION AND ENFORCEMENT OF

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

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ENERGY EFFICIENCY PERFORMANCE STANDARDS FOR GENERAL PURPOSE LIGHTING PRODUCTS WHICH ARE SOLD OR OFFERED FOR SALE IN NEW YORK STATE.

2. NO PERSON SHALL SELL OR OFFER FOR SALE IN NEW YORK STATE ANY NEW GENERAL PURPOSE LIGHTING PRODUCT UNLESS: (A) THE PRODUCT MEETS MINIMUM ENERGY EFFICIENCY PERFORMANCE STANDARDS ADOPTED PURSUANT TO THIS ARTICLE UPON THE EFFECTIVE DATE OF SUCH STANDARDS; AND (B) IF REQUIRED BY RULES OR REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE, THE MANUFACTURER OF SUCH PRODUCT CERTIFIES THAT THE PRODUCT MEETS SUCH MINIMUM ENERGY PERFORMANCE STANDARDS.

S 15-105. ADMINISTRATION OF ARTICLE. THE SECRETARY, IN CONSULTATION WITH THE PRESIDENT, SHALL HAVE AND BE ENTITLED TO EXERCISE THE FOLLOWING POWERS AND DUTIES:

1. TO ESTABLISH ENERGY EFFICIENCY PERFORMANCE STANDARDS FOR GENERAL PURPOSE LIGHTING PRODUCTS;

2. TO PROMULGATE RULES AND REGULATIONS TO ACHIEVE THE PURPOSES OF THIS ARTICLE PROVIDED HOWEVER THAT NO ENERGY EFFICIENCY PERFORMANCE STANDARD SHALL BECOME EFFECTIVE FOR GENERAL PURPOSE LIGHTING PRODUCTS LESS THAN ONE HUNDRED EIGHTY DAYS AFTER SUCH STANDARD SHALL BECOME FINAL, PROVIDED, HOWEVER, THAT NO STANDARD ADOPTED PURSUANT TO THIS ARTICLE SHALL GO INTO EFFECT IF FEDERAL GOVERNMENT ENERGY EFFICIENCY PERFORMANCE STANDARDS REGARDING GENERAL PURPOSE LIGHTING PRODUCTS PREEMPT STATE STANDARDS UNLESS PREEMPTION HAS BEEN WAIVED PURSUANT TO FEDERAL LAW;

3. TO ADMINISTER AND ENFORCE THE PROVISIONS OF THIS ARTICLE AND ANY RULE OR REGULATION PROMULGATED PURSUANT TO SUCH ARTICLE;

4. TO CONDUCT INVESTIGATIONS, TESTS AND OBTAIN DATA WITH RESPECT TO RESEARCH EXPERIMENTS AND DEMONSTRATIONS, AND TO COLLECT AND DISSEMINATE INFORMATION REGARDING THE PURPOSES TO BE ACHIEVED PURSUANT TO THIS ARTICLE;

5. TO ACCEPT GRANTS OR FUNDS FOR PURPOSES OF ADMINISTRATION OF THIS ARTICLE;

6. TO IMPOSE A FINE AND/OR IMPOSE INJUNCTIVE RELIEF FOR ANY VIOLATION OF THIS ARTICLE AFTER NOTICE AND AN OPPORTUNITY TO BE HEARD;

7. THE SECRETARY AND THE PRESIDENT SHALL CONSULT WITH THE APPROPRIATE FEDERAL AGENCIES, INCLUDING, BUT NOT LIMITED TO THE FEDERAL DEPARTMENT OF ENERGY, INDUSTRY AND OTHER POTENTIALLY AFFECTED PARTIES IN CARRYING OUT THE PROVISIONS OF THIS ARTICLE.

S 2. This act shall take effect immediately.