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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 Finance

AN ACT to amend the state finance law, in relation to the definition and
purchase of tropical hardwoods

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

1 Section 1. Subdivision 1 of section 165 of the state finance law is
2 amended by adding six new paragraphs f, g, h, i, j and k to read as
3 follows:
4 F. "SUSTAINED MANAGED FOREST" MEANS A FOREST THAT HAS BEEN CERTIFIED
5 BY A FOREST CERTIFIER.
6 G. "FOREST CERTIFIER" MEANS AN INDEPENDENT, THIRD PARTY ORGANIZATION
7 THAT CONDUCTS COMPREHENSIVE ASSESSMENTS OF FOREST MANAGEMENT PRACTICES
8 AND ENVIRONMENTAL PERFORMANCE.
9 H. "CHAIN OF CUSTODY" MEANS A PROCESS THAT PROVIDES DOCUMENTARY
10 EVIDENCE VERIFYING THAT A GIVEN WOOD PRODUCT IS DERIVED FROM A CERTIFIED
11 FOREST OF ORIGIN.
12 I. "CHAIN OF CUSTODY CERTIFIER" MEANS AN INDEPENDENT THIRD PARTY
13 ORGANIZATION THAT CERTIFIES CHAIN OF CUSTODY.
14 J. "ENVIRONMENTALLY PREFERABLE BUILDING MATERIAL" MEANS ONE OR MORE OF
15 THE FOLLOWING:
16 (I) RECLAIMED WOOD PRODUCTS;
17 (II) BIOBASED MATERIAL; OR
18 (III) RECYCLED PLASTIC AND OTHER RECYCLED MATERIALS.
19 K. "THIRD PARTY" MEANS AN ENTITY WHICH DOES NOT HAVE AN EQUITY INTER-
20 EST IN THE LAND OR THE MANAGEMENT OF THE FORESTS BEING EVALUATED, AND
21 INDEPENDENT FROM ANY TIMBER TRADE ASSOCIATION.
22 S 2. Paragraph a of subdivision 2 of section 165 of the state finance
23 law, as added by chapter 83 of the laws of 1995, is amended to read as
24 follows:

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

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1 a. Except as hereinafter provided, the state and any governmental
2 agency or political subdivision or public benefit corporation of the
3 state shall not purchase or obtain for any purpose any tropical hard-
4 woods or tropical hardwood products, wholesale or retail, in any form,
5 AND SHALL SEEK TO MAXIMIZE THE USE OF ENVIRONMENTALLY PREFERABLE BUILD-
6 ING MATERIALS BY WHATEVER MEANS PRACTICABLE BY LAW.

7 S 3. Section 165 of the state finance law is amended by adding a new
8 subdivision 2-a to read as follows:

9 2-A. A. THE GOVERNOR SHALL DIRECT THE APPROPRIATE DEPARTMENT OR AGENCY
10 THAT HE OR SHE SO DESIGNATES TO CREATE A LIST OF ELIGIBLE FOREST CERTI-
11 FIERS AND CHAIN OF CUSTODY CERTIFIERS.

12 B. THE DESIGNATED DEPARTMENT OR AGENCY SHALL PROMULGATE RULES AND
13 REGULATIONS WHEN SPECIFYING THE INFORMATION THAT FOREST CERTIFIERS AND
14 CHAIN OF CUSTODY CERTIFIERS PROVIDE IN ORDER TO BE DEEMED ELIGIBLE FOR
15 THE PURPOSES OF FULFILLING THE ELIGIBILITY REQUIREMENTS OF THIS SECTION.
16 SUCH ELIGIBILITY REQUIREMENTS SHALL INCLUDE BUT NOT BE LIMITED TO:

17 (I) CONDUCTING ON THE GROUND AUDITS, USING AN INTERDISCIPLINARY TEAM
18 OF EXPERTS TO EVALUATE THE ECOLOGICAL, SOCIAL, AND ECONOMIC IMPACT OF
19 FOREST MANAGEMENT PRACTICES; AND

20 (II) SEPARATE CHAIN OF CUSTODY CERTIFICATION, LINKING EACH CERTIFIED
21 FOREST PRODUCT TO ITS CERTIFIED FOREST OF ORIGIN.

22 C. ONCE THE DESIGNATED DEPARTMENT OR AGENCY HAS DETERMINED THAT A
23 CERTIFIER HAS MET THE ELIGIBILITY REQUIREMENTS SPECIFIED, THE CERTIFIER
24 SHALL BE DEEMED TO BE AN APPROVED AND ELIGIBLE CERTIFIER FOR PURPOSES OF
25 THIS SECTION.

26 S 4. Subdivision 2 of section 165 of the state finance law is amended
27 by adding a new paragraph e to read as follows:

28 E. NOTHING IN THIS SUBDIVISION SHALL BE DEEMED TO PROHIBIT ANY LOCAL
29 GOVERNMENT FROM ADOPTING ANY LOCAL LAW, ORDINANCE, RULE OR REGULATION
30 GOVERNING THE PURCHASE OF COMMODITIES WHICH IS MORE RESTRICTIVE THAN THE
31 PROVISIONS OF THIS SECTION RELATING TO THE USE OF TROPICAL HARDWOODS OR
32 WOOD PRODUCTS.

33 S 5. This act shall take effect immediately.