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

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I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Energy

AN ACT to amend the energy law, in relation to energy audits for small businesses

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 section 5-115 to read as follows:

S 5-115. ENERGY AUDITS FOR SMALL BUSINESSES. 1. FOR PURPOSES OF THIS SECTION THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "SMALL BUSINESS" SHALL MEAN:

I. ANY BUSINESS, OTHER THAN A NOT-FOR-PROFIT CORPORATION, WHICH IS RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYS ONE HUNDRED OR FEWER INDIVIDUALS; OR

II. ANY NOT-FOR-PROFIT CORPORATION, WHICH IS RESIDENT IN THIS STATE, INDEPENDENTLY OWNED AND OPERATED, AND EMPLOYS TEN OR FEWER INDIVIDUALS; AND

B. "ENERGY AUDIT" SHALL MEAN A WRITTEN REPORT OF AN ON-SITE EVALUATION OF A BUILDING, FACILITY OR SYSTEM BY A QUALIFIED CONTRACTOR OR OFFICE PERSONNEL TO DETERMINE WHETHER AND TO WHAT EXTENT THE IMPLEMENTATION OF ENERGY CONSERVATION MEASURES OR PRACTICES WOULD REDUCE ELECTRIC DEMAND AND/OR THE CONSUMPTION OF ENERGY IN SUCH BUILDING, FACILITY, OR SYSTEM, INCLUDING RECOMMENDATIONS REGARDING METHODS TO IMPLEMENT SUCH MEASURES OR PRACTICES.

2. THE OFFICE IS AUTHORIZED AND DIRECTED TO CONDUCT ENERGY AUDITS OF SMALL BUSINESSES, PROVIDED THAT THE ANNUAL COST FOR ANY SUCH SMALL BUSINESS FOR ITS USAGE OF ELECTRICITY AND NATURAL GAS IS LESS THAN SEVENTY-FIVE THOUSAND DOLLARS. SUCH ENERGY AUDITS SHALL BE MADE AVAILABLE FREE OF CHARGE TO SUCH SMALL BUSINESSES. APPLICATION FOR SUCH ENERGY AUDITS SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY THE OFFICE, PROVIDED THAT SUCH FORM SHALL NOT EXCEED ONE PAGE IN LENGTH. THE OFFICE SHALL REQUIRE SUPPLEMENTAL DOCUMENTATION SUPPORTING SUCH APPLICATION WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO A STATEMENT OF SUCH SMALL BUSINESSES' ENERGY USAGE FOR THE PREVIOUS THREE YEARS OR FOR THE LENGTH

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

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OF TIME SUCH SMALL BUSINESS HAS BEEN IN BUSINESS, WHICHEVER IS LESS. ANY SMALL BUSINESS WHICH RECEIVES AN ENERGY AUDIT PURSUANT TO THIS SECTION SHALL NOT BE ELIGIBLE FOR ANOTHER ENERGY AUDIT FOR A PERIOD OF THREE YEARS.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.