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

2199

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. MORELLE, CHRISTENSEN -- Multi-Sponsored by -- M. of A. KOON -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT creating a temporary state commission on remanufacturing; and making an appropriation therefor; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. The legislature finds that New York state's remanufacturing industry, which is composed of a wide array of businesses, many of which are small businesses, is a vital sector of the economy, employing thousands of people while diverting thousands of tons of waste from entering our landfills. Remanufactured products are the highest form of recycling, and are supplied from our largest growth sector, small businesses. Based on these findings the legislature finds and declares that the state should actively seek to enhance the remanufacturing industry and increase awareness of the benefits of remanufactured products.

S 2. A temporary state commission, to be known as the temporary state commission on remanufacturing, hereinafter referred to as the commission, is hereby created to develop programs and policies for the purposes of enhancing and fostering the introduction, expansion, and growth of the remanufacturing industry in New York state, and remanufacturing efforts among state agencies.

S 3. The commission shall consist of 12 members to be appointed as follows: one member representing the office of general services; one member representing the New York state solid waste management board; two members to be appointed by the governor; two members to be appointed by the temporary president of the senate; two members to be appointed by the speaker of the assembly; one member to be appointed by the minority leader of the senate; one member to be appointed by the minority leader

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

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of the assembly; one member shall be the president of the New York state energy research and development authority or his or her designee; and one to be appointed by the comptroller. The appointees shall include representatives of the remanufacturing industry and government sectors and of the public at large. The speaker shall designate the chairman and vice-chairman. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments.

S 4. The commission in conjunction with a not-for-profit research university located in New York state that is nationally recognized as having expertise in remanufacturing issues, shall:

(a) target industries which would have a positive effect on New York state and its residents and would be beneficial to the financial well being of this state;

(b) develop programs with New York state colleges and universities to train students to work in the selected target industries;

(c) assess the use of remanufactured products in New York state agencies, boards, authorities, commissions, courts, and colleges; and

(d) assist agencies in promoting broader awareness of the availability and performance attributes of remanufactured products in the market place. Educational efforts should be directed to consumers through agency publications, conferences, and encouragement of manufacturer disclosures where the manufacturer's cooperation can be secured. Those involved should include: the department of environmental conservation, department of economic development, office of general services, consumer protection board, environmental facilities corporation, department of transportation, and the legislature;

(e) in order to encourage the increased use of remanufactured goods, the commission shall recommend the development of appropriate industrial standards to assure quality performance;

(f) conduct a survey of remanufacturing activities in New York state in cooperation with industry and academic institutions, to develop a database from which policies to advance the marketing of remanufactured goods can be identified; and

(g) institute a public outreach campaign to inform the general public and state agency purchasing officials on the benefits of using remanufactured products and to address concerns regarding availability, performance, and quality of such products. Such campaign shall include, but not be limited to developing printed informational materials promoting the benefits of using remanufactured products. Such informational material shall be available in both English and Spanish language versions and may include but not be limited to the following:

(1) The remanufacturing industry is a vital sector of New York state's economy, employing thousands of people, including providing employment opportunities for people with disabilities and those seeking to be removed from the welfare rolls;

(2) Remanufacturing restores durable products to serve their original function by replacing worn or damaged parts;

(3) The use of remanufactured products prevents thousands of tons of solid waste from entering our landfills, conserves energy and natural resources, and is the highest form of recycling; and

(4) Purchasing remanufactured products can save as much as 50 percent of the cost of purchasing new products.

S 5. The commission may employ and at pleasure remove such personnel as it may deem necessary for the performance of its functions and fix their compensation within the amounts made available therefor.

S 6. The commission may meet within and without the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law.

S 7. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder.

S 8. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources, and data of any court, department, division, board, bureau, commission, or agency of the state or any political subdivision thereof as it deems necessary or desirable to carry out properly its powers and duties hereunder.

S 9. The commission shall make a preliminary report to the governor and the legislature of its findings, conclusions, and recommendations not later than March 1, 2011 and a final report of its findings, conclusions, and recommendations not later than March 1, 2012, and shall submit with its reports such legislative proposals as it deems necessary to implement its recommendations.

S 10. The sum of one hundred fifty thousand dollars ($150,000), or so much thereof as may be necessary, is hereby appropriated to the temporary state commission created pursuant to section two of this act from any moneys in the state treasury in the general fund to the credit of the local assistance account not otherwise appropriated for services and expenses of the commission for the purposes of carrying out the provisions of this act. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the chair of such commission, or the chair's duly designated representative in the manner provided by law. No expenditure shall be made from this appropriation until a certificate of approval of availability shall have been issued by the director of the budget and filed with the state comptroller and a copy filed with the chair of the senate finance committee and the chair of the assembly ways and means committee. Such certificate may be amended from time to time by the director of the budget and a copy of each such amendment shall be filed with the state comptroller, the chair of the senate finance committee and the chair of the assembly ways and means committee.

S 11. Within the amounts appropriated therefor, the commission shall make grants for the following purposes:

(a) to increase the numbers and improve the training of remanufacturers;

(b) to improve procedures for the testing of remanufactured products; and

(c) create a tax credit or other similar incentives.

S 12. This act shall take effect on the one hundred eightieth day after it shall have become a law; and shall remain in full force and effect until March 31, 2012, when upon such date the provisions of this act shall expire and be deemed repealed.