

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

7216--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. GALEF, JOHN, GORDON, COLTON, MILLMAN, FINCH, WALKER, CASTRO, BARRON, SPANO -- Multi-Sponsored by -- M. of A. BOYLAND, BROOK-KRASNY, CALHOUN, ESPAILLAT, HAWLEY, JAFFEE, P. LOPEZ, MAYERSOHN, SWEENEY, THIELE, TOWNSEND -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the energy law, in relation to energy performance contracts in connection with public buildings and facilities

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

1 Section 1. Subdivision 4 of section 9-102 of the energy law, as added
2 by chapter 733 of the laws of 1985 is renumbered subdivision 5 and
3 amended, and a new subdivision 4 is added to read as follows:
4 4. "RENEWABLE ENERGY" MEANS ENERGY GENERATED FROM: (I) SOLAR, WIND,
5 PHOTOVOLTAICS, TIDAL, GEOTHERMAL, AND FUEL CELL TECHNOLOGIES; AND (II)
6 LOW IMPACT, RUN-OF-RIVER HYDROELECTRIC GENERATING EQUIPMENT WITH CAPACI-
7 TY UP TO THIRTY MEGAWATTS WITH NO NEW STORAGE IMPOUNDMENT.
8 5. "Energy performance contract" means an agreement for the provision
9 of energy services, including but not limited to electricity, heating,
10 ventilation, cooling, steam or hot water, in which a person agrees to
11 install, maintain or manage energy systems or equipment to improve the
12 energy efficiency of, or produce energy in connection with, a building
13 or facility in exchange for a portion of the energy savings or revenues.
14 THE CONTRACT SHALL CONSIST OF A RENEWABLE ENERGY EFFICIENCY STUDY TO
15 FACILITATE CONSIDERATION OF ALTERNATIVES IN ENERGY SYSTEMS.
16 S 2. Section 9-103 of the energy law is amended by adding a new subdi-
17 vision 9 to read as follows:
18 9. ALL ENERGY PERFORMANCE CONTRACTS SHALL INCLUDE AN ENERGY EFFICIENCY
19 STUDY OF AT LEAST ONE RENEWABLE ENERGY SOURCE THAT BEST FITS THE
20 PROJECT'S GOAL. THIS STUDY SHALL INCLUDE THE COST OF INSTALLATION OF

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

LBD05427-02-9

1 SUCH SYSTEM, MAINTENANCE AND OPERATION COSTS FOR UP TO TEN YEARS, AND AN
2 ANALYSIS OF THE ENERGY SAVINGS.

3 S 3. This act shall take effect on the ninetieth day after it shall
4 have become a law and shall apply to any contract entered into on or
5 after such effective date.