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

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2011-2012 Regular Sessions

I N A S S E M B L Y

March 9, 2011

Introduced by M. of A. KAVANAGH, COLTON, CAHILL, SCHIMEL, JAFFEE, STEVENSON -- Multi-Sponsored by -- M. of A. FINCH, GLICK, HOOPER, MARKEY, McENENY, MILLMAN, PHEFFER, THIELE -- read once and referred to the Committee on Governmental Operations

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 1 of section 165 of the state finance law is amended by adding six new paragraphs f, g, h, i, j and k to read as follows:

F. "SUSTAINED MANAGED FOREST" MEANS A FOREST THAT HAS BEEN CERTIFIED BY A FOREST CERTIFIER.

G. "FOREST CERTIFIER" MEANS AN INDEPENDENT, THIRD PARTY ORGANIZATION THAT CONDUCTS COMPREHENSIVE ASSESSMENTS OF FOREST MANAGEMENT PRACTICES AND ENVIRONMENTAL PERFORMANCE.

H. "CHAIN OF CUSTODY" MEANS A PROCESS THAT PROVIDES DOCUMENTARY EVIDENCE VERIFYING THAT A GIVEN WOOD PRODUCT IS DERIVED FROM A CERTIFIED FOREST OF ORIGIN.

I. "CHAIN OF CUSTODY CERTIFIER" MEANS AN INDEPENDENT THIRD PARTY ORGANIZATION THAT CERTIFIES CHAIN OF CUSTODY.

J. "ENVIRONMENTALLY PREFERABLE BUILDING MATERIAL" MEANS ONE OR MORE OF THE FOLLOWING:

(I) RECLAIMED WOOD PRODUCTS;

(II) BIOBASED MATERIAL; OR

(III) RECYCLED PLASTIC AND OTHER RECYCLED MATERIALS.

K. "THIRD PARTY" MEANS AN ENTITY WHICH DOES NOT HAVE AN EQUITY INTEREST IN THE LAND OR THE MANAGEMENT OF THE FORESTS BEING EVALUATED, AND INDEPENDENT FROM ANY TIMBER TRADE ASSOCIATION.

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

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S 2. Paragraph a of subdivision 2 of section 165 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

a. Except as hereinafter provided, the state and any governmental agency or political subdivision or public benefit corporation of the state shall not purchase or obtain for any purpose any tropical hardwoods or tropical hardwood products, wholesale or retail, in any form, AND SHALL SEEK TO MAXIMIZE THE USE OF ENVIRONMENTALLY PREFERABLE BUILDING MATERIALS BY WHATEVER MEANS PRACTICABLE BY LAW.

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

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

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

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

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

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

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

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

S 5. This act shall take effect immediately.