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6682

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 24, 2011
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Introduced by M. of A. P. LOPEZ -- read once and referred to the Commit-
    tee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to
    exempting contractors from the provisions of the "Diesel Emissions
    Reduction Act 2006"

    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 19-0323 of the environmental
 2 conservation law is amended by adding a new paragraph e to read as
 3 follows:
 4   E. "CONTRACTOR" MEANS ANY PERSON OR ENTITY THAT CONTRACTS DIRECTLY OR
 5 INDIRECTLY WITH A REGULATED ENTITY TO PROVIDE LABOR, SERVICES, MATERIALS
 6 AND/OR EQUIPMENT ON BEHALF OF THE REGULATED ENTITY. CONTRACTOR INCLUDES
 7 BUT IS NOT LIMITED TO PRIME CONTRACTOR, SUBCONTRACTOR, AND ANY
 8 CONTRACTOR(S) HIRED BY SUCH SUBCONTRACTOR.
 9   S 2. Subdivision 2 and the opening paragraph of subdivision 3 of
10 section 19-0323 of the environmental conservation law, as added by chap-
11 ter 629 of the laws of 2006, are amended and a new subdivision 9 is
12 added to read as follows:
13   2. Any diesel powered heavy duty vehicle that is owned by, operated by
14 [or on behalf of,] or leased by a state agency and state and regional
15 public authority shall be powered by ultra low sulfur diesel fuel.
16   Any diesel powered heavy duty vehicle that is owned by, operated by
17 [or on behalf of,] or leased by a state agency and state and regional
18 public authority with more than half of its governing body appointed by
19 the governor shall utilize the best available retrofit technology for
20 reducing the emission of pollutants. The commissioner shall promulgate
21 regulations for the implementation of this subdivision specifying proce-
22 dures for compliance according to the following schedule:
23   9. CONTRACTORS OF THIS STATE SHALL BE EXEMPT FROM THE PROVISIONS OF
24 THIS SECTION.
25   S 3. This act shall take effect on the one hundred eightieth day after
26 it shall have become a law.

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

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