

3640

2013-2014 Regular Sessions

I N A S S E M B L Y

January 28, 2013

Introduced by M. of A. BRENNAN, CAHILL, SWEENEY, LUPARDO, ENGLEBRIGHT, GALEF, ROSENTHAL, ZEBROWSKI, JAFFEE, CRESPO, ROBERTS, SCHIMEL, BARRON, LIFTON, ABINANTI, HOOPER -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, BOYLAND, COOK, ESPINAL, GLICK, GOTTFRIED, GUNTHER, ORTIZ, ROBINSON, WEISENBERG -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the public authorities law, in relation to establishing environmental standards for public authorities

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

1 Section 1. Article 9 of the public authorities law is amended by
2 adding a new title 13 to read as follows:

3 TITLE 13

4 ENERGY EFFICIENCY

5 SECTION 2990. DEFINITIONS.
6 2991. APPLICABILITY.
7 2992. ENERGY TARGETS.
8 2993. ENERGY ASSESSMENTS AND EFFICIENCY PLAN.
9 2994. SOLID WASTE MANAGEMENT PLAN.
10 2995. SUSTAINABILITY COORDINATOR.
11 2996. NEW CONSTRUCTION, RENOVATIONS AND LEASES.
12 2997. PROCUREMENT.
13 2998. STATE AUTHORITIES ENERGY EFFICIENCY COUNCIL.
14 2999. REPORTS.
15 2999-A. ASSISTANCE FROM OTHER AUTHORITIES.

16 S 2990. DEFINITIONS. FOR THE PURPOSES OF THIS TITLE, THE FOLLOWING
17 WORDS AND TERMS SHALL HAVE THE FOLLOWING MEANINGS:

18 1. "BUILDING OR FACILITY" MEANS A SINGLE BUILDING OR FACILITY OR A
19 GROUP OF BUILDINGS OR STRUCTURES AT A SINGLE SITE THAT IS OWNED, LEASED,
20 OPERATED OR FUNDED BY A STATE AUTHORITY THAT EXCEEDS TEN THOUSAND SQUARE
21 FEET OF SPACE. FOR THE PURPOSES OF THIS TITLE, THE TERM "FACILITY"

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

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1 SHALL INCLUDE ANY HIGHWAY, PARKWAY OR PUBLIC ROAD OWNED, OPERATED OR
2 MAINTAINED BY A STATE AUTHORITY.

3 2. "COGENERATION" MEANS THE SIMULTANEOUS GENERATION OF TWO DIFFERENT
4 FORMS OF USEFUL ENERGY USING ONE SINGLE PRIMARY ENERGY SOURCE, SUCH AS,
5 THE PRODUCTION OF ELECTRICITY USING WASTE ENERGY, SUCH AS STEAM; OR THE
6 USE OF STEAM FROM ELECTRIC POWER GENERATION AS A SOURCE OF HEAT.

7 3. "COUNCIL" MEANS THE STATE AUTHORITIES ENERGY EFFICIENCY COUNCIL
8 ESTABLISHED PURSUANT TO SECTION TWENTY-NINE HUNDRED NINETY-EIGHT OF THIS
9 TITLE.

10 4. "DEC" MEANS THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

11 5. "DISTRIBUTED GENERATION" MEANS ELECTRICITY THAT IS GENERATED FROM
12 SMALL ENERGY SOURCES THAT ARE LOCATED NEAR OR IN THE BUILDING OR FACILI-
13 TY WHERE THE ELECTRICITY IS USED. DISTRIBUTED ENERGY RESOURCE SYSTEMS
14 ARE SMALL-SCALE POWER GENERATION TECHNOLOGIES USED TO PROVIDE AN ALTER-
15 NATIVE TO OR ENHANCEMENT OF THE TRADITIONAL ELECTRIC POWER SYSTEM, SUCH
16 AS SOLAR PANELS OR SMALL WIND TURBINES.

17 6. "FUEL CELL" MEANS A DEVICE THAT PRODUCES ELECTRICITY DIRECTLY FROM
18 HYDROGEN OR HYDROCARBON FUEL THROUGH A NON-COMBUSTIVE ELECTRO-CHEMICAL
19 PROCESS.

20 7. "NYSERDA" MEANS THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT
21 AUTHORITY.

22 8. "OGS" MEANS THE OFFICE OF GENERAL SERVICES.

23 9. "RENEWABLE ENERGY" MEANS ENERGY PRODUCED FROM THE FOLLOWING SOURC-
24 ES: SOLAR THERMAL, PHOTOVOLTAICS, WIND, HYDROELECTRIC, GEO-EXCHANGE,
25 TIDAL/WAVE ENERGY AND HIGH-EFFICIENCY BIOMASS.

26 10. "STATE AUTHORITY" SHALL MEAN THE STATE AUTHORITIES LISTED IN
27 SECTION TWENTY-NINE HUNDRED NINETY-ONE OF THIS TITLE.

28 11. "STATE INTERAGENCY COMMITTEE" MEANS THE STATE INTERAGENCY COMMIT-
29 TEE ON SUSTAINABILITY AND GREEN PROCUREMENT ESTABLISHED PURSUANT TO
30 EXECUTIVE ORDER NUMBER FOUR OF TWO THOUSAND EIGHT.

31 S 2991. APPLICABILITY. 1. THE PROVISIONS OF THIS TITLE SHALL ONLY
32 APPLY TO THE FOLLOWING STATE AUTHORITIES:

33 BATTERY PARK CITY AUTHORITY
34 CAPITAL DISTRICT TRANSPORTATION AUTHORITY
35 CENTRAL NEW YORK REGIONAL TRANSPORTATION AUTHORITY
36 DEVELOPMENT AUTHORITY OF THE NORTH COUNTRY
37 DORMITORY AUTHORITY OF THE STATE OF NEW YORK
38 LONG ISLAND POWER AUTHORITY
39 METROPOLITAN TRANSPORTATION AUTHORITY
40 NEW YORK CONVENTION CENTER OPERATING CORPORATION
41 NEW YORK STATE BRIDGE AUTHORITY
42 NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY
43 NEW YORK STATE OLYMPIC REGIONAL DEVELOPMENT AUTHORITY
44 NEW YORK STATE THRUWAY AUTHORITY
45 NIAGARA FRONTIER TRANSPORTATION AUTHORITY
46 NORTH COUNTRY POWER AUTHORITY
47 OGDENSBURG BRIDGE AND PORT AUTHORITY
48 PORT OF OSWEGO AUTHORITY
49 POWER AUTHORITY OF THE STATE OF NEW YORK
50 ROCHESTER-GENESEE REGIONAL TRANSPORTATION AUTHORITY

51 2. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION,
52 THE PROVISIONS OF THIS TITLE SHALL NOT APPLY TO A BUILDING OR FACILITY
53 OWNED, LEASED OR OPERATED BY A STATE AUTHORITY ESTABLISHED PURSUANT TO
54 TITLES ONE AND ONE-A, AS ADDED BY CHAPTER FIVE HUNDRED SEVENTEEN OF THE
55 LAWS OF NINETEEN HUNDRED EIGHTY-SIX, OF ARTICLE FIVE OF THIS CHAPTER,

1 WHICH BUILDING OR FACILITY OR VEHICLE OR VEHICLE FLEET IS USED PRIMARILY
2 TO PRODUCE, GENERATE, TRANSMIT OR STORE ENERGY AND POWER.

3 S 2992. ENERGY TARGETS. 1. ALL BUILDINGS OR FACILITIES OR VEHICLES OR
4 VEHICLE FLEETS OWNED, LEASED, UNDER WHICH THE STATE AUTHORITY PAYS
5 DIRECTLY FOR ENERGY, OR OPERATED BY A STATE AUTHORITY SHALL MEET THE
6 FOLLOWING TARGETS AND TIMETABLE TO ACHIEVE REDUCTIONS IN GREENHOUSE GAS
7 EMISSIONS, ENERGY AND WATER CONSUMPTION:

8 (A) REDUCE GREENHOUSE GAS EMISSIONS THAT RESULT FROM STATE AUTHORITY
9 OPERATIONS FROM THE ESTABLISHED BASELINE MEASUREMENTS BY FIFTEEN PERCENT
10 BY THE YEAR TWO THOUSAND EIGHTEEN, TWENTY-FIVE PERCENT BY THE YEAR TWO
11 THOUSAND TWENTY-THREE AND FIFTY PERCENT BY THE YEAR TWO THOUSAND TWEN-
12 TY-EIGHT. EMISSION REDUCTIONS SHALL BE MEASURED ON AN ABSOLUTE BASIS AND
13 NOT ADJUSTED FOR FACILITY EXPANSION, LOAD GROWTH OR WEATHER;

14 (B) REDUCE OVERALL ENERGY CONSUMPTION AT BUILDINGS OR FACILITIES OR
15 VEHICLES OR VEHICLE FLEETS OWNED OR LEASED, UNDER WHICH THE STATE
16 AUTHORITY PAYS DIRECTLY FOR ENERGY, BY THE STATE AUTHORITY FROM THE
17 ESTABLISHED BASELINE MEASUREMENTS BY FIFTEEN PERCENT BY THE YEAR TWO
18 THOUSAND EIGHTEEN, TWENTY-FIVE PERCENT BY THE YEAR TWO THOUSAND TWENTY-
19 THREE AND FIFTY PERCENT BY THE YEAR TWO THOUSAND TWENTY-EIGHT;

20 (C) REDUCE POTABLE WATER USE FROM THE ESTABLISHED BASELINE MEASUREMENT
21 BY TEN PERCENT BY THE YEAR TWO THOUSAND EIGHTEEN, TWENTY PERCENT BY THE
22 YEAR TWO THOUSAND TWENTY-THREE AND THIRTY PERCENT BY THE YEAR TWO THOU-
23 SAND TWENTY-EIGHT; AND

24 (D) OBTAIN BY GENERATION OR PROCUREMENT FIFTEEN PERCENT OF ANNUAL
25 ELECTRICITY CONSUMPTION FROM RENEWABLE SOURCES AND/OR FROM DISTRIBUTED
26 GENERATION OR COGENERATION BY THE YEAR TWO THOUSAND EIGHTEEN,
27 TWENTY-FIVE PERCENT BY THE YEAR TWO THOUSAND TWENTY-THREE AND FIFTY
28 PERCENT BY THE YEAR TWO THOUSAND TWENTY-EIGHT.

29 2. EACH STATE AUTHORITY THAT OWNS, LEASES OR OPERATES A BUILDING OR
30 FACILITY OR VEHICLE OR VEHICLE FLEET SHALL ESTABLISH A BASELINE MEASURE-
31 MENT OF GREENHOUSE GAS EMISSIONS, ELECTRICITY AND WATER CONSUMPTION
32 LEVELS FOR THE PERIOD BEGINNING JANUARY FIRST, TWO THOUSAND TEN AND
33 ENDING DECEMBER THIRTY-FIRST, TWO THOUSAND ELEVEN FOR SUCH BUILDING OR
34 FACILITY OR VEHICLE OR VEHICLE FLEET. THE BASELINE MEASUREMENT SHALL BE
35 THE AVERAGE OF THE TWO YEAR PERIOD.

36 3. THE COMMITTEE IS AUTHORIZED, UPON THE APPLICATION OF A STATE
37 AUTHORITY, TO REDUCE OR DECREASE ONE OR MORE EFFICIENCY TARGETS REQUIRED
38 UNDER THIS SECTION IF THE STATE AUTHORITY CAN DEMONSTRATE TO THE SATIS-
39 FACTION OF THE COMMITTEE THAT IT HAS ACHIEVED SUBSTANTIALLY THE OVERALL
40 TARGET OR GOAL PRIOR TO THE FINAL TARGET YEAR. FOR THE PURPOSES OF THIS
41 SUBDIVISION, SUBSTANTIAL ACHIEVEMENT SHALL MEAN MEETING NINETY PERCENT
42 OR MORE OF THE TARGET OR GOAL.

43 S 2993. ENERGY ASSESSMENTS AND EFFICIENCY PLAN. 1. ENERGY ASSESSMENTS.

44 (A) A STATE AUTHORITY THAT OWNS, LEASES OR OPERATES A BUILDING OR FACIL-
45 ITY SHALL CONDUCT AN ANNUAL ONSITE ASSESSMENT AND EVALUATION OF ENERGY
46 AND WATER CONSUMPTION AND EXPENSES OF SUCH BUILDING OR FACILITY. THE
47 ASSESSMENT SHALL INCLUDE THE FOLLOWING INFORMATION:

48 (1) THE TOTAL NUMBER OF BUILDINGS AND FACILITIES OWNED, LEASED OR
49 OPERATED BY THE STATE AUTHORITY AND THE TOTAL SQUARE FOOTAGE FOR SUCH
50 BUILDINGS AND FACILITIES;

51 (2) THE TOTAL ANNUAL ENERGY CONSUMPTION, LISTED BY ENERGY SOURCE, FOR
52 EACH BUILDING OR FACILITY;

53 (3) THE TOTAL ANNUAL ENERGY COST CALCULATED PER SQUARE FOOT, AND LIST-
54 ED BY ENERGY SOURCE, FOR EACH BUILDING OR FACILITY;

55 (4) THE TOTAL ANNUAL WATER CONSUMPTION FOR EACH BUILDING OR FACILITY;

1 (5) THE TOTAL ANNUAL COST FOR FUEL USED BY AUTHORITY-OWNED VEHICLES,
2 LISTED BY FUEL TYPE AND THE AVERAGE MILEAGE EFFICIENCY OF VEHICLES BY
3 VEHICLE CLASS OWNED OR LEASED BY THE STATE AUTHORITY; AND

4 (6) A BREAKDOWN BY PERCENTAGE OF THE TOTAL RENEWABLE ENERGY USED BY
5 EACH BUILDING OR FACILITY.

6 (B) IN DEVELOPING THIS ASSESSMENT, THE STATE AUTHORITY MAY SEEK THE
7 ADVICE AND ASSISTANCE OF OTHER STATE AGENCIES AND ENTITIES, SUCH AS DEC,
8 NYSERDA OR OGS.

9 2. ENERGY EFFICIENCY PLAN. (A) BASED ON THE INITIAL ASSESSMENT
10 CONDUCTED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, EACH STATE
11 AUTHORITY SHALL DEVELOP AND SUBMIT TO THE COUNCIL FOR ITS APPROVAL AN
12 ENERGY EFFICIENCY PLAN TO MEET THE TARGETS, GOALS AND TIMETABLE ESTAB-
13 LISHED PURSUANT TO SUBDIVISION ONE OF SECTION TWENTY-NINE HUNDRED NINE-
14 TY-TWO OF THIS TITLE.

15 (B) THE PLAN SHALL DESCRIBE SPECIFIC MEASURES TO BE TAKEN TO REDUCE
16 THE STATE AUTHORITY'S GREENHOUSE GAS EMISSIONS, ENERGY AND WATER
17 CONSUMPTION IN ACCORDANCE WITH SUCH TARGETS AND GOALS. THE PLAN SHALL
18 ALSO DESCRIBE ANY POLICIES ADOPTED, AND PROJECTS PURSUED, BY THE STATE
19 AUTHORITY TO INCREASE THE USE OF RENEWABLE ENERGY SOURCES AND OTHER
20 ALTERNATIVE SOURCES, SUCH AS DISTRIBUTIVE GENERATION AND COGENERATION.

21 (C) THE COUNCIL SHALL APPROVE THE PLAN IF THE PLAN:

22 (1) PROVIDES A DETAILED AND COMPREHENSIVE PLAN FOR ACHIEVING THE
23 TARGETS AND GOALS SET FORTH IN SECTION TWENTY-NINE HUNDRED NINETY-TWO OF
24 THIS TITLE; AND

25 (2) CAN BE IMPLEMENTED IN A COST-EFFECTIVE MANNER.

26 (D) THE PLAN SHALL BE AMENDED TO REFLECT ANY CHANGES OR UPDATES
27 REPORTED IN THE ANNUAL ASSESSMENT PURSUANT TO SUBDIVISION ONE OF THIS
28 SECTION.

29 (E) WITH RESPECT TO BUILDINGS AND FACILITIES THAT CONTAIN LESS THAN
30 TEN THOUSAND SQUARE FEET IN SPACE, A STATE AUTHORITY IS ENCOURAGED TO
31 ASSESS, DEVELOP AND IMPLEMENT EFFICIENCY AND WASTE MANAGEMENT PLANS
32 CONSISTENT WITH THE TARGETS, GOALS AND TIMETABLES REQUIRED PURSUANT TO
33 THIS TITLE.

34 S 2994. SOLID WASTE MANAGEMENT PLAN. 1. FOR PURPOSES OF THIS SECTION,
35 "SOLID WASTE" SHALL HAVE THE SAME MEANING AS IS FOUND IN SUBDIVISION ONE
36 OF SECTION 27-0701 OF THE ENVIRONMENTAL CONSERVATION LAW, BUT SHALL NOT
37 INCLUDE SOURCE, SPECIAL NUCLEAR OR BY-PRODUCT MATERIAL AS DEFINED IN THE
38 ATOMIC ENERGY ACT OF 1954, AS AMENDED, OR HAZARDOUS WASTE WHICH APPEARS
39 ON THE LIST OR SATISFIES THE CHARACTERISTICS OF HAZARDOUS WASTE PROMUL-
40 GATED PURSUANT TO SECTION 27-0903 OF THE ENVIRONMENTAL CONSERVATION LAW,
41 OR LOW LEVEL RADIOACTIVE WASTE AS DEFINED IN SECTION 29-0101 OF THE
42 ENVIRONMENTAL CONSERVATION LAW.

43 2. (A) ALL STATE AUTHORITIES SHALL PREPARE AND SUBMIT TO THE COMMITTEE
44 FOR ITS REVIEW AND APPROVAL A SOLID WASTE MANAGEMENT PLAN FOR SUCH
45 AUTHORITY FOR AT LEAST A TEN-YEAR PERIOD.

46 (B) THE SOLID WASTE MANAGEMENT PLAN, WHICH SHALL BE IN A FORM DEVEL-
47 OPED BY THE COMMITTEE, SHALL, AT A MINIMUM:

48 (1) IDENTIFY, DESCRIBE AND CHARACTERIZE THE SOLID WASTE STREAM TO BE
49 MANAGED IN THE PLANNING PERIOD;

50 (2) ASSESS EXISTING AND ALTERNATE PROPOSED SOLID WASTE MANAGEMENT
51 PROGRAMS AND FACILITIES;

52 (3) IDENTIFY THE PARTIES WITH RESPONSIBILITY TO IMPLEMENT EACH ELEMENT
53 OF THE PLAN AND THE STEPS WHICH MUST BE UNDERTAKEN BY EACH; AND

54 (4) SET FORTH A TIMETABLE FOR IMPLEMENTING THE PLAN, INCLUDING ESTAB-
55 LISHING ANNUAL GOALS.

1 (C) SUCH PLAN SHALL STRIVE TO ACHIEVE THE OBJECTIVES OF THE STATE
2 SOLID WASTE MANAGEMENT POLICY SET FORTH IN SECTION 27-0106 OF THE ENVI-
3 RONMENTAL CONSERVATION LAW, PROVIDE FOR OR TAKE INTO ACCOUNT MANAGEMENT
4 OF ALL SOLID WASTE WITHIN THE PLANNING UNIT, AND EMBODY, AS MAY BE
5 APPROPRIATE TO THE CIRCUMSTANCES, SOUND PRINCIPLES OF SOLID WASTE
6 MANAGEMENT, NATURAL RESOURCES CONSERVATION, ENERGY PRODUCTION, AND
7 EMPLOYMENT CREATING OPPORTUNITIES.

8 (D) THE COMMITTEE SHALL APPROVE A PLAN IF THE PLAN CONTAINS THE
9 ELEMENTS SET FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION. THEREAFTER SUCH
10 PLAN SHALL BECOME THE SOLID WASTE MANAGEMENT PLAN IN EFFECT FOR SUCH
11 AUTHORITY. IF THE PLAN AS SUBMITTED DOES NOT CONTAIN THE ELEMENTS SET
12 FORTH IN PARAGRAPH (B) OF THIS SUBDIVISION, THE COMMITTEE SHALL STATE
13 THE REASONS FOR ITS DETERMINATION AND REQUIRE THE STATE AUTHORITY TO
14 RE-SUBMIT AN AMENDED PLAN FOR APPROVAL.

15 S 2995. SUSTAINABILITY COORDINATOR. 1. EACH STATE AUTHORITY SHALL
16 APPOINT A SUSTAINABILITY COORDINATOR TO ORGANIZE, COORDINATE, OVERSEE
17 AND REPORT ON THE ENERGY EFFICIENCY AND WASTE MANAGEMENT ACTIVITIES OF
18 THE STATE AUTHORITY. THE COORDINATOR SHALL, AMONG OTHER DUTIES AND
19 RESPONSIBILITIES:

20 (A) PREPARE THE ENERGY EFFICIENCY AND SOLID WASTE MANAGEMENT PLANS;

21 (B) ORGANIZE, COORDINATE AND OVERSEE THE IMPLEMENTATION OF THE EFFI-
22 CIENCY ACTIVITIES CONTAINED IN THE EFFICIENCY PLAN;

23 (C) ORGANIZE, COORDINATE AND OVERSEE THE IMPLEMENTATION OF THE SOLID
24 WASTE MANAGEMENT PLAN;

25 (D) SUBMIT THE PROGRESS REPORTS REQUIRED PURSUANT TO SECTION
26 TWENTY-NINE HUNDRED NINETY-NINE OF THIS TITLE; AND

27 (E) DISSEMINATE ALL APPLICABLE INFORMATION TO AUTHORITY STAFF, AND
28 TRACKING AND REPORTING ALL REQUESTED ENERGY CONSUMPTION OR WASTE MANAGE-
29 MENT DATA.

30 2. THE DEC AND NYSEDA SHALL DEVELOP AND CONDUCT A TRAINING PROGRAM
31 FOR THE SUSTAINABILITY COORDINATORS AND ASSIST THEM WITH THE TRAINING OF
32 APPROPRIATE STAFF, VENDORS AND CONTRACTORS.

33 S 2996. NEW CONSTRUCTION, RENOVATIONS AND LEASES. 1. (A) THE DESIGN
34 AND CONSTRUCTION OF ANY NEW BUILDINGS OR FACILITY, OR THE SUBSTANTIAL
35 RENOVATION OF AN EXISTING BUILDING OR FACILITY, BY A STATE AUTHORITY
36 SHALL COMPLY WITH THE STANDARDS AND REGULATIONS PROMULGATED BY OGS
37 PURSUANT TO ARTICLE FOUR-C OF THE PUBLIC BUILDINGS LAW. THIS SUBDIVISION
38 SHALL ALSO APPLY TO A BUILDING OR FACILITY, FIFTY PERCENT OR MORE OF THE
39 FUNDING FOR THE PURCHASE, LEASE, DESIGN, CONSTRUCTION OR SUBSTANTIAL
40 RENOVATION THEREOF IS FUNDED DIRECTLY OR INDIRECTLY BY A STATE AUTHORI-
41 TY.

42 (B) FOR THE PURPOSES OF THIS SECTION, THE TERM "SUBSTANTIAL RENO-
43 VATION" SHALL MEAN: A CAPITAL PROJECT IN WHICH THE SCOPE OF WORK
44 INVOLVES AT LEAST TWO OF THE FOLLOWING PRIMARY BUILDING SYSTEMS: ELEC-
45 TRICAL, PLUMBING, BOILER, ELEVATOR, HVAC, ROOF REPLACEMENT, WINDOW
46 REPLACEMENT, LIGHTING OR EXTERNAL MASONRY, PAINTING AND PLASTERING; AND
47 THE BUILDING AREA IN WHICH THE CONSTRUCTION IS PERFORMED WILL BE UNOC-
48 CUPIED DUE TO THE NATURE OF THE CONSTRUCTION FOR THIRTY DAYS OR MORE.

49 2. ANY LEASES ENTERED INTO BY A STATE AUTHORITY, INCLUDING THE RENEGO-
50 TIATION OR EXTENSION OF EXISTING LEASES, SHALL:

51 (A) INCORPORATE LEASE PROVISIONS THAT ENCOURAGE ENERGY AND WATER EFFI-
52 CIENCY WHEREVER LIFE-CYCLE COST-EFFECTIVE. BUILD-TO-SUIT LEASE SOLICITA-
53 TIONS SHALL CONTAIN CRITERIA ENCOURAGING SUSTAINABLE DESIGN AND DEVELOP-
54 MENT, ENERGY EFFICIENCY, AND VERIFICATION OF FACILITY PERFORMANCE;

1 (B) INCLUDE A PREFERENCE FOR FACILITIES HAVING THE ENERGY STAR BUILD-
2 ING LABEL IN THEIR SELECTION CRITERIA FOR ACQUIRING LEASED FACILITIES;
3 AND

4 (C) ENCOURAGE LESSORS TO APPLY FOR AN ENERGY STAR BUILDING LABEL AND
5 TO EXPLORE AND IMPLEMENT PROJECTS THAT WILL REDUCE COSTS, INCLUDING
6 PROJECTS CARRIED OUT THROUGH THE LESSORS' ENERGY-SAVINGS CONTRACTS.

7 S 2997. PROCUREMENT. 1. PROCUREMENT FROM SPECIFICATION LIST. (A) ALL
8 PURCHASES OF COMMODITY, EQUIPMENT, SERVICES AND TECHNOLOGIES MADE BY A
9 STATE AUTHORITY SHALL BE PURSUANT TO PROCUREMENT LISTS AND SPECIFICA-
10 TIONS PROMULGATED BY THE STATE INTERAGENCY COMMITTEE.

11 (B) IN ADDITION, ALL STATE AUTHORITIES SHALL PROCURE COMMODITIES,
12 EQUIPMENT, SERVICES AND TECHNOLOGIES THAT MEET OR EXCEED THE FOLLOWING
13 MINIMUM SPECIFICATIONS:

14 (1) RECYCLED CONTENT. ALL COPY PAPER AND OTHER PAPER SUPPLIES FOR
15 WHICH THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY HAS DEVELOPED
16 RECYCLED CONTENT RECOMMENDATIONS PURSUANT TO SECTION SIX THOUSAND TWO OF
17 THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT SHALL BE REQUIRED TO
18 MEET OR EXCEED THE STATE AUTHORITY'S MINIMUM POST-CONSUMER MATERIAL
19 CONTENT PERCENTAGES RECOMMENDED IN THE MOST RECENT RECOVERED MATERIALS
20 ADVISORY NOTICE ISSUED FOR SUCH COMMODITY IN THE FEDERAL REGISTER;
21 PROVIDED, HOWEVER, THAT XEROGRAPHIC PAPER SHALL CONTAIN NO LESS THAN
22 THIRTY PERCENT POST-CONSUMER RECYCLED CONTENT. ALL COPY AND JANITORIAL
23 PAPER SHALL BE PROCESSED CHLORINE-FREE TO THE EXTENT PRACTICABLE. ALL
24 STATE AUTHORITIES SHALL PRINT PUBLICATIONS ON RECYCLED PAPER, AND MINI-
25 MUM PERCENTAGES SHALL BE MET UNLESS COSTS FOR SUCH PAPER EXCEED THE COST
26 OF OTHER AVAILABLE COMMODITIES BY MORE THAN TEN PERCENT.

27 (2) WASTE REDUCTION. STATE AUTHORITIES SHALL SEEK TO REDUCE WASTE IN
28 PRODUCTS AND PACKAGING, INCLUDING THE FORMULATION OF POLICIES TO PROMOTE
29 THE USE OF DOUBLE-SIDED COPYING AND PRINTING TO THE GREATEST EXTENT
30 PRACTICABLE. STATE AUTHORITIES SHALL FAVOR DURABILITY, REPAIRABILITY AND
31 REUSE WHEN PURCHASING SUPPLIES.

32 2. IF A COMMODITY OR EQUIPMENT IS NOT ON A PROCUREMENT LIST, THE STATE
33 AUTHORITY SHALL SELECT ENERGY STAR AND ENERGY-EFFICIENT PRODUCTS WHEN
34 ACQUIRING ENERGY-USING PRODUCTS OR EQUIPMENT. FOR PRODUCTS OR EQUIPMENT
35 FOR WHICH ENERGY STAR LABELS ARE NOT YET AVAILABLE, THE STATE AUTHORITY
36 SHALL FOLLOW THE GUIDELINES ADOPTED BY NYSEDA THAT DESIGNATE TARGET
37 ENERGY EFFICIENCY LEVELS FOR SUCH PRODUCT OR EQUIPMENT.

38 3. A STATE AUTHORITY MAY PROCURE A COMMODITY, EQUIPMENT, SERVICE OR
39 TECHNOLOGY THROUGH A PROCESS THAT DOES NOT COMPLY WITH THIS SECTION WHEN
40 THE PURCHASE OF THE COMMODITY, EQUIPMENT, SERVICE OR TECHNOLOGY IS
41 NECESSARY TO RESPOND TO AN EMERGENCY WHICH ENDANGERS PUBLIC HEALTH OR
42 SAFETY, PROVIDED SUCH AUTHORITY SHALL WITHIN SEVEN BUSINESS DAYS FILE A
43 WRITTEN REPORT WITH THE AUTHORITY'S BUDGET OFFICE AND THE OFFICE OF THE
44 STATE COMPTROLLER, WHICH SHALL BECOME PART OF THE PROCUREMENT RECORD.
45 THE REPORT SHALL CONTAIN THE FOLLOWING INFORMATION:

46 (A) A DESCRIPTION OF THE EMERGENCY THAT PREVENTED COMPLIANCE WITH
47 SUBDIVISIONS ONE AND TWO OF THIS SECTION;

48 (B) THE NAME OF THE COMMODITY OR TECHNOLOGY, OR A DESCRIPTION OF THE
49 SERVICE, ITS USE AND INTENSITY OF USE;

50 (C) A DESCRIPTION OF THE STEPS BEING TAKEN TO SAFEGUARD PUBLIC HEALTH
51 AND SAFETY DURING THE EMERGENCY; AND

52 (D) AN EXPLANATION OF HOW SUCH AN EMERGENCY CAN BE AVOIDED IN THE
53 FUTURE.

54 4. (A) BEGINNING ONE YEAR AFTER THE EFFECTIVE DATE OF THIS SECTION,
55 ALL STATE AUTHORITIES, WHEN PROCURING COMMODITIES, EQUIPMENT, SERVICES
56 OR TECHNOLOGY SHALL FOLLOW PRACTICES AND DEVELOP SOLICITATION SPECIFICA-

1 TIONS THAT MEET OR EXCEED THE MINIMUM SPECIFICATIONS ESTABLISHED IN
2 SUBDIVISION ONE OF THIS SECTION. ALL SUCH CONTRACTS SHALL INCLUDE A
3 STATEMENT DESCRIBING HOW SUCH MINIMUM SPECIFICATIONS WERE MET.

4 (B) IN THE EVENT THAT A STATE AUTHORITY RECEIVES NO BIDS OR PROPOSALS
5 THAT MEET THE SPECIFICATIONS DEVELOPED PURSUANT TO PARAGRAPH (A) OF THIS
6 SUBDIVISION, SUCH AGENCY OR AUTHORITY MAY WITHDRAW THE REQUEST FOR BIDS
7 OR PROPOSALS AND BEGIN A NEW PROCUREMENT WITH NEW SPECIFICATIONS WITHOUT
8 SUCH SPECIFICATIONS AND AWARD A CONTRACT IN ACCORDANCE WITH OTHER APPLI-
9 CABLE STATUTES; PROVIDED, HOWEVER THAT SUCH AUTHORITY SHALL DOCUMENT THE
10 REASONS WHY SUCH PROCUREMENT DOES NOT MEET THE MINIMUM SPECIFICATIONS
11 ESTABLISHED IN SUBDIVISION ONE OF THIS SECTION, AND SUBMIT SUCH DOCUMEN-
12 TATION FOR INCLUSION IN THE ANNUAL REPORT REQUIRED PURSUANT TO THIS
13 TITLE AND TO THE OFFICE OF THE STATE COMPTROLLER FOR INCLUSION IN THE
14 PROCUREMENT RECORD.

15 5. (A) NOTHING IN THIS SECTION SHALL BE CONSTRUED AS REQUIRING A STATE
16 AUTHORITY TO PROCURE A COMMODITY, EQUIPMENT, SERVICE OR TECHNOLOGY THAT
17 DOES NOT MEET THE FORM, FUNCTION AND UTILITY REQUIRED BY SUCH AUTHORITY,
18 OR AS REQUIRING A STATE AUTHORITY TO PROCURE A COMMODITY, EQUIPMENT,
19 SERVICE OR TECHNOLOGY THE COST OF WHICH EXCEEDS THE COST OF AN ALTERNA-
20 TIVE AVAILABLE COMMODITY OR SERVICE BY MORE THAN TEN PERCENT.

21 (B) WHEN DETERMINING AND COMPARING COSTS, STATE AGENCIES AND AUTHORI-
22 TIES SHALL CONSIDER COST AS DEFINED IN SECTION ONE HUNDRED SIXTY OF THE
23 STATE FINANCE LAW.

24 6. TRAINING AND EDUCATION. OGS, WITH THE ASSISTANCE OF THE DEC, THE
25 DEPARTMENT OF HEALTH, AND THE OFFICE OF THE STATE COMPTROLLER, WITHIN
26 TWELVE MONTHS OF THE EFFECTIVE DATE OF THIS SECTION, SHALL DESIGN AND
27 BEGIN IMPLEMENTATION OF A TRAINING PROGRAM FOR SENIOR MANAGERS AND STATE
28 AUTHORITY STAFF INVOLVED IN PROCUREMENT TO FAMILIARIZE THEM WITH THEIR
29 RESPONSIBILITIES UNDER THIS SECTION AND ENSURE THE EFFECTIVE AND EFFI-
30 CIENT IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION. SUCH PROGRAM
31 SHALL PROVIDE FOR NEW EMPLOYEE TRAINING AND ONGOING TRAINING.

32 S 2998. STATE AUTHORITIES ENERGY EFFICIENCY COUNCIL. THERE IS HEREBY
33 ESTABLISHED WITHIN DEC A STATE AUTHORITIES ENERGY EFFICIENCY COUNCIL.
34 THE COMMISSIONER OF DEC SHALL DETERMINE THE NUMBER OF, AND APPOINT THE
35 MEMBERS TO THE COUNCIL, PROVIDED THAT THERE SHALL BE AT LEAST ONE REPRE-
36 SENTATIVE EACH FROM NYSERDA AND OGS. THE COUNCIL SHALL BE RESPONSIBLE
37 FOR MONITORING, OVERSEEING AND REPORTING ON THE ACTIONS TAKEN BY STATE
38 AUTHORITIES TO ACHIEVE THE ENERGY REDUCTION TARGETS REQUIRED UNDER THIS
39 TITLE, AND SHALL HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

40 1. DEVELOP FORMATS FOR THE ENERGY EFFICIENCY PLAN, SOLID WASTE MANAGE-
41 MENT PLAN AND PROGRESS REPORTS, AND ESTABLISH THE DATES FOR SUBMISSION
42 OF THE PLANS AND REPORTS;

43 2. ASSIST STATE AUTHORITIES AND THEIR COORDINATORS TO PREPARE THE
44 ENERGY EFFICIENCY AND WASTE MANAGEMENT PLANS, TO IMPLEMENT THE PLANS,
45 AND TO MEET THE TARGETS AND GOALS SET FORTH IN THIS TITLE;

46 3. APPROVE THE ENERGY EFFICIENCY PLAN OR WASTE MANAGEMENT PLAN SUBMIT-
47 TED BY A STATE AUTHORITY;

48 4. EVALUATE THE PROGRESS OF STATE AUTHORITIES IN IMPLEMENTING THEIR
49 ENERGY EFFICIENCY AND WASTE MANAGEMENT PLANS, AND MEETING THE TARGETS
50 AND GOALS SET FORTH IN THIS TITLE;

51 5. COMPILE THE INFORMATION SUBMITTED BY STATE AUTHORITIES IN THE
52 PROGRESS REPORTS AND REPORT ON THE PROGRESS MADE TOWARD ACHIEVING THE
53 GOALS DESCRIBED IN THE EFFICIENCY PLAN;

54 6. PROVIDE TECHNICAL ASSISTANCE TO STATE AUTHORITIES NECESSARY TO
55 SATISFY REPORTING REQUIREMENTS;

1 7. DEVELOP AND MAINTAIN DATA MANAGEMENT SYSTEMS AS ARE NECESSARY TO
2 DOCUMENT ENERGY USAGE IN A MANNER CONSISTENT WITH, AND IN SUPPORT OF,
3 THE DEVELOPMENT AND IMPLEMENTATION OF THE ENERGY EFFICIENCY TARGETS AND
4 GOALS;

5 8. PREPARE AN ANNUAL REPORT TO THE GOVERNOR AND THE LEGISLATURE PURSU-
6 ANT TO SECTION TWENTY-NINE HUNDRED NINETY-NINE OF THIS TITLE.

7 S 2999. REPORTS. 1. PROGRESS REPORTS. (A) THE SUSTAINABILITY COORDINA-
8 TOR OF EACH STATE AUTHORITY SHALL PREPARE AND SUBMIT TO THE COUNCIL AN
9 ANNUAL PROGRESS REPORT IN A FORM OR MANNER, CONTAINING SUCH INFORMATION
10 OR DATA, AND ON SUCH DATE DETERMINED BY THE COUNCIL. THE REPORT SHALL BE
11 CERTIFIED AS ACCURATE AND COMPLETE BY THE EXECUTIVE DIRECTOR OF THE
12 STATE AUTHORITY.

13 (B) AT A MINIMUM, SUCH REPORT SHALL DESCRIBE:

14 (1) THE STATE AUTHORITY'S EFFORTS REGARDING REDUCTION IN ENERGY AND
15 WATER CONSUMPTION; WASTE REDUCTION AND RECYCLING ACTIVITIES; RECYCLED
16 PRODUCT PROCUREMENT; QUANTITIES OF MATERIAL RECYCLED;

17 (2) THE PROGRESS MADE TOWARD ACHIEVING THE TARGETS AND GOALS MANDATED
18 IN THIS TITLE;

19 (3) THE PROGRESS MADE TOWARD INCREASING THE USE OF RENEWABLE ENERGY
20 SOURCES; AND

21 (4) BARRIERS TO ACHIEVING PROGRESS TOWARDS MEETING THE TARGETS AND
22 GOALS.

23 (C) THE COUNCIL, INSTEAD OF DEVELOPING ITS OWN PROGRESS REPORT, MAY
24 DETERMINE TO ALLOW A STATE AUTHORITY TO USE THE PROGRESS REPORT DEVEL-
25 OPED BY THE STATE INTERAGENCY COMMITTEE PURSUANT TO EXECUTIVE ORDER
26 NUMBER FOUR OF TWO THOUSAND EIGHT, PROVIDED THAT THE INFORMATION
27 REQUIRED IN THE PROGRESS REPORT DEVELOPED BY SUCH COMMITTEE IS CONSIST-
28 ENT WITH THE INFORMATION REQUIRED UNDER THIS SECTION.

29 2. ANNUAL REPORT. THE COUNCIL SHALL PREPARE AND SUBMIT TO THE GOVERNOR
30 AND THE LEGISLATURE AN ANNUAL REPORT, WHICH SHALL CONTAIN THE FOLLOWING:

31 (A) A SUMMARY OF THE RESULTS FROM THE PROGRESS REPORTS SUBMITTED BY
32 THE STATE AUTHORITIES;

33 (B) A DESCRIPTION OF THE OVERALL PROGRESS BY THE STATE AUTHORITIES
34 TOWARDS ACHIEVING THE ENERGY CONSUMPTION AND WATER USE REDUCTION
35 TARGETS;

36 (C) A DESCRIPTION OF THE OVERALL PROGRESS BY THE STATE AUTHORITIES
37 TOWARDS IMPLEMENTING THEIR WASTE MANAGEMENT PLANS;

38 (D) A COMPARISON OF RESULTS OF ENERGY EFFICIENCY ACTIVITIES TAKEN BY
39 THE STATE AUTHORITIES DURING PRIOR YEARS;

40 (E) IDENTIFYING THOSE STATE AUTHORITIES THAT HAVE PERFORMED POORLY
41 TOWARDS ACHIEVING THE EFFICIENCY TARGETS AND GOALS OR IMPLEMENTING THEIR
42 WASTE MANAGEMENT PLAN;

43 (F) RECOMMENDATIONS TO IMPROVE OR ENHANCE THE ENERGY EFFICIENCY AND
44 WASTE MANAGEMENT EFFORTS OF STATE AUTHORITIES.

45 S 2999-A. ASSISTANCE FROM OTHER AUTHORITIES. UPON THE REQUEST OF ANY
46 STATE AUTHORITY THAT IS SUBJECT TO THE PROVISIONS OF THIS TITLE AND THAT
47 IS LOCATED IN ITS SERVICE AREAS, THE POWER AUTHORITY OF THE STATE OF NEW
48 YORK OR THE LONG ISLAND POWER AUTHORITY, WHICHEVER IS APPROPRIATE, SHALL
49 PROVIDE WHATEVER ASSISTANCE NECESSARY TO HELP THE STATE AUTHORITY MEET
50 THE ENERGY EFFICIENCY TARGETS AND OTHER GOALS ESTABLISHED IN THIS TITLE.
51 SUCH ASSISTANCE SHALL INCLUDE, BUT NOT BE LIMITED TO:

52 1. FINANCING AND DEVELOPING PROGRAMS TO INCREASE THE EFFICIENCY OF
53 ENERGY USE AND TO FACILITATE THE DEVELOPMENT OF CO-GENERATION;

54 2. FINANCING, DESIGNING, DEVELOPING AND PROVIDING ENERGY EFFICIENCY
55 AND CLEAN ENERGY TECHNOLOGY PROJECTS, PROGRAMS AND SERVICES;

1 3. FINANCING, DESIGNING, DEVELOPING AND PROVIDING PROGRAMS AND
2 SERVICES RELATED TO RENOVATION OR RETROFITTING OF BUILDINGS AND FACILI-
3 TIES TO ADDRESS ENERGY EFFICIENCY, ENERGY CONSERVATION, THE USE OF
4 RENEWABLE ENERGY AND THE REDUCTION OF AIR AND OTHER POLLUTION.

5 S 2. Severability. If any clause, sentence, paragraph, section or part
6 of this act shall be adjudged by any court of competent jurisdiction to
7 be invalid, the judgment shall not affect, impair, or invalidate the
8 remainder thereof, but shall be confined in its operation to the clause,
9 sentence, paragraph, section or part thereof directly involved in the
10 controversy in which the judgment shall have been rendered.

11 S 3. This act shall take effect immediately.