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

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2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Energy -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the state finance law and the energy law, in relation to appliance and equipment energy efficiency standards

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

Section 1. Section 165 of the state finance law is amended by adding a new subdivision 9 to read as follows:

9. CONSUMER AUDIO AND VIDEO PRODUCTS AS DEFINED IN SUBDIVISION ELEVEN OF SECTION 16-102 OF THE ENERGY LAW PURCHASED BY OR FOR THE STATE OR ANY AGENCY THEREOF SHALL MEET OR EXCEED THE FOLLOWING REQUIREMENTS: A. THAT SUCH PRODUCTS MEET THE ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL (EPEAT) GOLD STANDARDS FOR ENVIRONMENTAL PERFORMANCE FOR AT LEAST NINETY-FIVE PERCENT OF PRODUCTS PURCHASED IN ALL RELEVANT ELECTRONIC PRODUCT CATEGORIES, UNLESS THERE IS NO EPEAT GOLD STANDARD FOR SUCH PRODUCT;

B. THAT SUCH PRODUCTS MEET THE CURRENT VERSION OF THE APPLICABLE ENERGY STAR STANDARD;

C. THAT POLICIES ARE ESTABLISHED AND IMPLEMENTED TO EXTEND THE USEFUL LIFE OF THE AGENCY ELECTRONIC EQUIPMENT;

D. THAT ENVIRONMENTALLY SOUND PRACTICES ARE USED WITH RESPECT TO DISPOSITION OF AGENCY ELECTRONIC EQUIPMENT THAT HAS REACHED THE END OF ITS USEFUL LIFE; AND

E. THAT SUCH PRODUCTS ARE LIFE-CYCLE COST-EFFECTIVE AND PRACTICABLE AND WHERE THE RELEVANT PRODUCT'S UTILITY AND PERFORMANCE ARE NOT COMPROMISED AS A RESULT.

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 16-106 of the energy law, as added by chapter 431 of the laws of 2005, is amended to read as follows:

(a) On or before [June thirtieth, two thousand six] JANUARY THIRTY-FIRST, TWO THOUSAND FOURTEEN, the secretary, in consultation with the president, shall adopt regulations in accordance with the provisions of this article establishing: (i) energy efficiency performance standards for new products of the types set forth in paragraphs (a) through (n) of subdivision one of section 16-104 of this article, with the exception of such [paragraph] PARAGRAPHS (E) (CONSUMER AUDIO AND VIDEO PRODUCTS) AND (g) (incandescent reflector lamps); (ii) procedures for testing the energy efficiency of the products covered by paragraphs (a) through (n) of subdivision one of section 16-104 of this article; (iii) procedures for manufacturers to certify that products covered under this article meet the energy efficiency standards to be promulgated under this article; and (iv) such further matters as are necessary to insure the proper implementation and enforcement of the provisions of this article. WITH RESPECT TO CONSUMER AUDIO, VIDEO AND INFORMATION TECHNOLOGY PRODUCTS, INCLUDED IN SUBDIVISION NINE OF SECTION ONE HUNDRED SIXTY-FIVE OF THE STATE FINANCE LAW, THE SECRETARY, IN CONSULTATION WITH THE PRESIDENT, SHALL CONDUCT A STUDY TO DETERMINE WHETHER AN ENERGY PERFORMANCE STANDARD FOR SUCH PRODUCT SHOULD BE ESTABLISHED, TAKING INTO ACCOUNT FACTORS INCLUDING BUT NOT LIMITED TO, THE POTENTIAL IMPACT ON ELECTRICITY USAGE, PRODUCT AVAILABILITY, MANUFACTURING COST, INNOVATION, PRODUCT CONVERGENCE, PRODUCT FEATURES AND FUNCTION, AND CONSUMER AND ENVIRONMENTAL BENEFITS. BASED ON THE RECOMMENDATIONS OF SUCH STUDY, THE SECRETARY, IN CONSULTATION WITH THE PRESIDENT, MAY ADOPT REGULATIONS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE ESTABLISHING ENERGY PERFORMANCE STANDARDS FOR SUCH PRODUCTS ON OR BEFORE JANUARY THIRTY-FIRST, TWO THOUSAND FOURTEEN. With respect to incandescent reflector lamps, included in paragraph (g) of subdivision one of section 16-104 of this article, the secretary, in consultation with the president, shall conduct a study to determine whether an energy efficiency performance standard for such product should be established, taking into account factors including the potential impact on electricity usage, product availability and consumer and environmental benefits. If it is determined based on this study that such a standard would reduce energy use and would not be preempted by the federal law, the secretary, in consultation with the president, shall adopt regulations in accordance with the provisions of this article establishing energy performance standards for such product on or before January first, two thousand eight.

S 3. This act shall take effect immediately; provided, however, that no energy efficiency performance standard shall become effective for a product less than one hundred eighty days after such energy efficiency performance standard shall become final.