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I N S E N A T E

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Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

1 Section 1. Section 165 of the state finance law is amended by adding a
2 new subdivision 9 to read as follows:
3 9. CONSUMER AUDIO AND VIDEO PRODUCTS AS DEFINED IN SUBDIVISION ELEVEN
4 OF SECTION 16-102 OF THE ENERGY LAW PURCHASED BY OR FOR THE STATE OR ANY
5 AGENCY THEREOF SHALL MEET OR EXCEED THE FOLLOWING REQUIREMENTS: A. THAT
6 SUCH PRODUCTS MEET THE ELECTRONIC PRODUCT ENVIRONMENTAL ASSESSMENT TOOL
7 (EPEAT) GOLD STANDARDS FOR ENVIRONMENTAL PERFORMANCE FOR AT LEAST NINE-
8 TY-FIVE PERCENT OF PRODUCTS PURCHASED IN ALL RELEVANT ELECTRONIC PRODUCT
9 CATEGORIES, UNLESS THERE IS NO EPEAT GOLD STANDARD FOR SUCH PRODUCT;
10 B. THAT SUCH PRODUCTS MEET THE CURRENT VERSION OF THE APPLICABLE
11 ENERGY STAR STANDARD;
12 C. THAT POLICIES ARE ESTABLISHED AND IMPLEMENTED TO EXTEND THE USEFUL
13 LIFE OF THE AGENCY ELECTRONIC EQUIPMENT;
14 D. THAT ENVIRONMENTALLY SOUND PRACTICES ARE USED WITH RESPECT TO
15 DISPOSITION OF AGENCY ELECTRONIC EQUIPMENT THAT HAS REACHED THE END OF
16 ITS USEFUL LIFE; AND

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

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

3
4 S 2. Paragraph (a) of subdivision 2 of section 16-106 of the energy
5 law, as added by chapter 431 of the laws of 2005, is amended to read as
6 follows:

7 (a) On or before [June thirtieth, two thousand six] JANUARY
8 THIRTY-FIRST, TWO THOUSAND FOURTEEN, the secretary, in consultation with
9 the president, shall adopt regulations in accordance with the provisions
10 of this article establishing: (i) energy efficiency performance standards
11 for new products of the types set forth in paragraphs (a) through
12 (n) of subdivision one of section 16-104 of this article, with the
13 exception of such [paragraph] PARAGRAPHS (E) (CONSUMER AUDIO AND VIDEO
14 PRODUCTS) AND (g) (incandescent reflector lamps); (ii) procedures for
15 testing the energy efficiency of the products covered by paragraphs (a)
16 through (n) of subdivision one of section 16-104 of this article; (iii)
17 procedures for manufacturers to certify that products covered under this
18 article meet the energy efficiency standards to be promulgated under
19 this article; and (iv) such further matters as are necessary to insure
20 the proper implementation and enforcement of the provisions of this
21 article. WITH RESPECT TO CONSUMER AUDIO, VIDEO AND INFORMATION TECHNOLOGY
22 PRODUCTS, INCLUDED IN SUBDIVISION NINE OF SECTION ONE HUNDRED
23 SIXTY-FIVE OF THE STATE FINANCE LAW, THE SECRETARY, IN CONSULTATION WITH
24 THE PRESIDENT, SHALL CONDUCT A STUDY TO DETERMINE WHETHER AN ENERGY
25 PERFORMANCE STANDARD FOR SUCH PRODUCT SHOULD BE ESTABLISHED, TAKING INTO
26 ACCOUNT FACTORS INCLUDING BUT NOT LIMITED TO, THE POTENTIAL IMPACT ON
27 ELECTRICITY USAGE, PRODUCT AVAILABILITY, MANUFACTURING COST, INNOVATION,
28 PRODUCT CONVERGENCE, PRODUCT FEATURES AND FUNCTION, AND CONSUMER AND
29 ENVIRONMENTAL BENEFITS. BASED ON THE RECOMMENDATIONS OF SUCH STUDY, THE
30 SECRETARY, IN CONSULTATION WITH THE PRESIDENT, MAY ADOPT REGULATIONS IN
31 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE ESTABLISHING ENERGY
32 PERFORMANCE STANDARDS FOR SUCH PRODUCTS ON OR BEFORE JANUARY
33 THIRTY-FIRST, TWO THOUSAND FOURTEEN. With respect to incandescent
34 reflector lamps, included in paragraph (g) of subdivision one of section
35 16-104 of this article, the secretary, in consultation with the president,
36 shall conduct a study to determine whether an energy efficiency
37 performance standard for such product should be established, taking into
38 account factors including the potential impact on electricity usage,
39 product availability and consumer and environmental benefits. If it is
40 determined based on this study that such a standard would reduce energy
41 use and would not be preempted by the federal law, the secretary, in
42 consultation with the president, shall adopt regulations in accordance
43 with the provisions of this article establishing energy performance
44 standards for such product on or before January first, two thousand
45 eight.

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