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

3774

2013-2014 Regular Sessions

I N S E N A T E

February 14, 2013

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring the replacement of lighting ballasts and lighting fixtures in buildings constructed between 1950 and 1978 that are used as schools and requiring the promulgation of regulations by the state department of education

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

Section 1. Subchapter 7 of chapter 1 of title 27 of the administrative code of the city of New York is amended by adding a new article 23 to read as follows:

ARTICLE 23

SCHOOL BUILDINGS CONSTRUCTED BETWEEN 1950 AND 1978

SECTION 27-521.20 LIGHTING BALLASTS AND LIGHTING FIXTURES IN SCHOOL BUILDINGS.

27-521.25 FINANCING AND REMEDIATION.

S 27-521.20 LIGHTING BALLASTS AND LIGHTING FIXTURES IN SCHOOL BUILDINGS. (A) THE DEPARTMENT SHALL REPLACE ALL LIGHTING BALLASTS AND LIGHTING FIXTURES IN ANY BUILDING CONSTRUCTED OR SUBSTANTIALLY RENOVATED BETWEEN THE YEARS NINETEEN HUNDRED FIFTY AND NINETEEN HUNDRED SEVENTY-EIGHT THAT IS CURRENTLY USED AS A SCHOOL.

(B) FOLLOWING THE REPLACEMENT OF ANY LIGHTING BALLASTS OR LIGHTING FIXTURES PURSUANT TO SUBDIVISION (A) OF THIS SECTION, EACH SITE SHALL BE TESTED FOR THE PRESENCE OF POLYCHLORINATED BIPHENYLS. RESULTS SHALL BE POSTED ON THE DEPARTMENT'S WEBSITE WITHIN FOUR DAYS OF RECEIVING TEST RESULTS.

(C) SCHOOL BUILDINGS SHALL BE EXEMPT FROM SUBDIVISION (A) OF THIS SECTION IF THE LIGHTING BALLASTS AND LIGHTING FIXTURES HAVE BEEN REPLACED USING MATERIALS NOT CONTAINING POLYCHLORINATED BIPHENYLS.

(D) FOR PURPOSES OF THIS SECTION:

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

LBD04438-04-3

(1) "DEPARTMENT" SHALL MEAN THE NEW YORK CITY DEPARTMENT OF EDUCATION.

(2) "SCHOOL" SHALL MEAN EACH SCHOOL WITHIN THE NEW YORK CITY PUBLIC SCHOOL SYSTEM THAT PROVIDES EDUCATIONAL INSTRUCTION TO STUDENTS AT OR BELOW THE TWELFTH GRADE LEVEL.

S 27-521.25 FINANCING AND REMEDIATION. THE DEPARTMENT SHALL COORDINATE FINANCING AND REMEDIATION IN CONSULTATION WITH RELEVANT STATE AGENCIES AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND SHALL BE REQUIRED TO SEARCH FOR FEDERAL AND STATE FINANCING TO ACCOMPLISH SUCH PURPOSE.

S 2. Notwithstanding any provision of law to the contrary, the state education department shall implement and enforce rules or regulations necessary to effectuate the provisions of this act. The state education department shall establish deadlines to ensure expedited remediation and testing of lighting ballasts and lighting fixtures in school buildings constructed between 1950 and 1978 and shall require that fifty percent of all replacement work shall be completed within one year and the completion of all replacement work within two years from the effective date of this act.

S 3. This act shall take effect immediately; provided however that section one of this act shall take effect on the one hundred eightieth day after it shall have become a law.