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

6641--A

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. LUPARDO, CAHILL, DESTITO, GOTTFRIED, BRADLEY, PAULIN, ROSENTHAL, LANCMAN, KELLNER, BOYLAND, JAFFEE, MILLMAN, DelMONTE, CASTRO, SPANO, SCHROEDER, SCHIMEL, ROBINSON, LATIMER, ORTIZ, GALEF -- Multi-Sponsored by -- M. of A. BING, COOK, EDDINGTON, GLICK, KOON, MAISEL, McENENY, PHEFFER, TITONE -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing the state green school construction act

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

Section 1. Subdivision 3 of section 408 of the education law, as amended by section 2 of part A-1 of section 58 of the laws of 2006, is amended and a new subdivision 3-a is added to read as follows:

3. The commissioner shall approve the plans and specifications, heretofore or hereafter submitted pursuant to this section, for the erection or purchase of any school building or addition thereto or remodeling thereof on the site or sites selected therefor pursuant to this chapter, if such plans conform to the requirements and provisions of this chapter and the regulations of the commissioner adopted pursuant to this chapter in all other respects; provided, however, that the commissioner of education shall not approve the plans for the erection or purchase of any school building or addition thereto unless the site has been selected with reasonable consideration of the following factors; its place in a comprehensive, long-term school building program; area required for outdoor educational activities; educational adaptability, environment, accessibility; soil conditions; initial and ultimate cost. [In developing such plans and specifications, school districts are encouraged to review the energy conservation and saving best practices

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

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available from the department and the New York state energy research and development authority.]

3-A. IN DEVELOPING SUCH PLANS AND SPECIFICATIONS, SCHOOL DISTRICTS SHALL BE REQUIRED TO COMPLY WITH THE ENERGY CONSERVATION AND SAVING BEST PRACTICES AVAILABLE FROM THE DEPARTMENT AND THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, EXCEPT IN THE FOLLOWING CIRCUMSTANCES:

(A) AN EXISTING SCHOOL BUILDING THAT HAS AN HISTORIC STATUS PURSUANT TO FEDERAL, STATE OR LOCAL LAW AND COMPLIANCE WITH CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD ALTER THE HISTORIC CHARACTER OF SUCH SCHOOL BUILDING;

(B) IN THE CASE OF A SUBSTANTIAL RENOVATION, COMPLIANCE WITH CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD NOT BE COST EFFECTIVE OVER THE USEFUL LIFE OF SUCH RENOVATION AS DETERMINED PURSUANT TO REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE;

(C) COMPLIANCE WITH THIS ARTICLE OR WITH CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD BE INCONSISTENT WITH OR VIOLATE FEDERAL OR STATE LAW;

(D) SUCH OTHER CIRCUMSTANCES AS THE DEPARTMENT MAY REASONABLY DETERMINE TO NOT BE APPROPRIATE FOR THE APPLICATION OF THE CONSTRUCTION REQUIREMENTS AND PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE; OR

(E) THE DESIGN OR PLANNING PROCESS FOR SUCH NEW CONSTRUCTION OR SUBSTANTIAL RENOVATION HAS SUBSTANTIALLY COMMENCED, AS DEFINED BY THE OFFICE IN REGULATIONS, AS OF THE EFFECTIVE DATE OF THE REGULATIONS PROMULGATED BY THE OFFICE PURSUANT TO THIS ARTICLE; PROVIDED HOWEVER, THAT WHENEVER SUBDIVISION ONE, TWO, THREE OR FOUR OF THIS SECTION APPLIES, THE CONSTRUCTION REQUIREMENTS AND PROCEDURES SHALL BE INTEGRATED INTO THE DESIGN AND CONSTRUCTION OF THE PROJECT TO THE MAXIMUM EXTENT PRACTICABLE.

S 2. Subdivision 1 of section 408-a of the education law, as amended by chapter 420 of the laws of 1968, is amended to read as follows:

1. The commissioner of general services, after consultation with the commissioner of education and subject to the approval of the director of the budget, shall promptly prepare or acquire as many master sets of complete plans and specifications for the construction of new school buildings and appurtenant facilities as shall be sufficient to provide at least six different master sets each for elementary, junior high and high schools, based on the number of pupils to be accommodated therein. Such plans and specifications shall be prepared so as to provide adequate classrooms and other necessary space and facilities at the lowest cost consistent with sound construction principles and practices, and the attainment of educational objectives, and shall provide for heating, ventilation, lighting, sanitation and health, fire and accident protection adequate to maintain healthful, safe, and comfortable conditions therein. Such plans and specifications shall be so prepared that any possible future addition to any such school building may be economically effectuated. In addition, the COMMISSIONER OF GENERAL SERVICES, IN CONSULTATION WITH THE DEPARTMENT, THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF HEALTH, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE DEPARTMENT OF STATE, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, AND ANY OTHER AGENCY AS DETERMINED BY THE OFFICE THAT MAY BE AFFECTED BY THIS SECTION, SHALL MAKE SUCH PLANS AND SPECIFICATIONS CONSISTENT WITH ANY REGULATIONS REGARDING GREEN CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THE PUBLIC BUILDINGS

LAW TO THE MAXIMUM EXTENT PRACTICABLE. IN ESTABLISHING SUCH PLANS AND SPECIFICATIONS, THE OFFICE OF GENERAL SERVICES MAY CONSULT GREEN CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED OR ADOPTED BY OTHER AGENCIES, AND BY PRIVATE ORGANIZATIONS, INCLUDING BUT NOT LIMITED TO THE UNITED STATES GREEN BUILDING COUNCIL UNDER ITS LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PROGRAMS, THE GREEN BUILDING INITIATIVE'S GREEN GLOBES RATING SYSTEM, AND THE AMERICAN NATIONAL STANDARDS INSTITUTE. THE commissioner of general services shall, as often as he OR SHE deems advisable but at least annually, review such master sets and, after consultation with the commissioner of education, and subject to approval of the director of the budget, may revise or cancel any of such sets or prepare new sets.

S 3. This act shall take effect on the three hundred sixty-fifth day after it shall have become a law; provided however that effective immediately, the department of education is authorized to promulgate, amend or repeal any rule or regulation which it deems necessary or appropriate to implement this act.