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

7246--B

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public buildings law, in relation to establishing the state green building construction act, and to repeal article 13 of the energy law relating thereto

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

Section 1. Legislative findings and declarations. Green building practices can reduce the production of greenhouse gases, lower energy costs, reduce the use of natural resources, reduce waste, improve indoor air quality, and reduce indoor and outdoor pollution. This act requires that the construction and substantial renovation of state buildings comply with "green" building standards established by the office of general services. Building "green" will have positive impacts on our environment, provide healthier indoor environments, and reduce costs.

S 2. Article 13 of the energy law is REPEALED.

S 3. The public buildings law is amended by adding a new article 4-C to read as follows:

ARTICLE 4-C

STATE GREEN BUILDING CONSTRUCTION ACT

SECTION 80. SHORT TITLE.
81. DEFINITIONS.
82. APPLICABILITY.
83. AGENCY GREEN BUILDING CONSTRUCTION REQUIREMENTS.

S 80. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "STATE GREEN BUILDING CONSTRUCTION ACT".

S 81. DEFINITIONS. AS USED IN THIS ARTICLE:

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

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1. "AGENCY" SHALL MEAN A STATE DEPARTMENT, STATE AGENCY, OR STATE PUBLIC AUTHORITY.

2. "AUTHORITY" SHALL MEAN THE NEW YORK STATE ENERGY RESEARCH AND DEVELOPMENT AUTHORITY.

3. "BUILDING" SHALL MEAN A BUILDING OR STRUCTURE THAT IS OWNED BY THE STATE OR BY AN AGENCY.

4. "OFFICE" SHALL MEAN THE OFFICE OF GENERAL SERVICES.

5. "SUBSTANTIAL RENOVATION" SHALL MEAN A SUBSTANTIAL MODIFICATION OF AN EXISTING BUILDING AND SHALL INCLUDE BUT NOT BE LIMITED TO ADDITIONS, ALTERATIONS, AND RECONSTRUCTION AS DETERMINED PURSUANT TO REGULATIONS PROMULGATED BY THE OFFICE PURSUANT TO THIS ARTICLE.

S 82. APPLICABILITY. THIS ARTICLE SHALL APPLY TO THE CONSTRUCTION OF NEW BUILDINGS AND THE SUBSTANTIAL RENOVATION OF EXISTING BUILDINGS, EXCEPT THAT THIS ARTICLE SHALL NOT APPLY IN THE FOLLOWING CIRCUMSTANCES:

1. AN EXISTING BUILDING THAT HAS A 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 BUILDING;

2. 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;

3. 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;

4. SUCH OTHER CIRCUMSTANCES AS THE OFFICE MAY REASONABLY DETERMINE PURSUANT TO REGULATIONS TO NOT BE APPROPRIATE FOR THE APPLICATION OF THE CONSTRUCTION REQUIREMENTS AND PROCEDURES ADOPTED PURSUANT TO THIS ARTICLE; OR

5. 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 APPLIES, THE CONSTRUCTION REQUIREMENTS AND PROCEDURES SHALL BE INTEGRATED INTO THE DESIGN AND CONSTRUCTION OF THE PROJECT TO THE MAXIMUM EXTENT PRACTICABLE.

S 83. AGENCY GREEN BUILDING CONSTRUCTION REQUIREMENTS. 1. THE CONSTRUCTION OF NEW BUILDINGS AND THE SUBSTANTIAL RENOVATION OF EXISTING BUILDINGS SHALL COMPLY WITH SUCH GREEN CONSTRUCTION REQUIREMENTS AND PROCEDURES AS SHALL HAVE BEEN ESTABLISHED BY THE OFFICE IN REGULATIONS PURSUANT TO SUBDIVISION TWO OF THIS SECTION.

2. THE OFFICE, IN CONSULTATION WITH THE AUTHORITY, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF HEALTH, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE DEPARTMENT OF STATE, THE DEPARTMENT OF EDUCATION, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, AND ANY OTHER AGENCY AS DETERMINED BY THE OFFICE THAT MAY BE AFFECTED BY THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS ESTABLISHING CONSTRUCTION REQUIREMENTS AND PROCEDURES NECESSARY TO IMPLEMENT THIS ARTICLE, INCLUDING THE EXCEPTIONS DESCRIBED IN SECTION EIGHTY-TWO OF THIS ARTICLE. IN ESTABLISHING SUCH REQUIREMENTS AND PROCEDURES, THE OFFICE 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.

3. FOR PURPOSES OF MONITORING COMPLIANCE WITH THIS ARTICLE AND THIS ARTICLE'S EFFECTIVENESS, EACH AGENCY SHALL PREPARE BY JUNE THIRTIETH OF EACH YEAR AN ANNUAL BUILDING PERFORMANCE REPORT IN SUCH FORM AND CONTAINING SUCH INFORMATION AS THE OFFICE MAY REQUIRE, WHICH MAY RELATE TO SUCH MATTERS AS ENERGY CONSUMPTION, WASTE REDUCTION, INDOOR AIR QUALITY, WATER REDUCTIONS AND MAINTENANCE PROCEDURES AND PROCESSES. SUCH REPORT SHALL BE AVAILABLE TO THE OFFICE UPON REQUEST.

S 4. This act shall take effect immediately, provided however that section two of this act shall be deemed to have been in full force and effect on and after September 25, 2008; and provided further, that section three of 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 office of general services is authorized to promulgate, amend or repeal any rule or regulation which it deems necessary or appropriate to implement section three of this act.