

2314

2009-2010 Regular Sessions

I N S E N A T E

February 18, 2009

Introduced by Sens. HUNTLEY, ADAMS, ESPADA, FOLEY, KRUEGER, LAVALLE, MONSERRATE, PARKER, SAMPSON, SERRANO -- read twice and ordered printed, and when printed to be committed to the Committee on Education

AN ACT to amend the education law, in relation to requiring the installation of carbon monoxide detectors in school buildings

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

1 Section 1. The education law is amended by adding a new section 411 to
2 read as follows:
3 S 411. INSTALLATION OF CARBON MONOXIDE DETECTORS. THE COMMISSIONER
4 SHALL ADOPT REGULATIONS REQUIRING THE INSTALLATION OF OPERABLE CARBON
5 MONOXIDE DETECTORS IN EVERY ELEMENTARY AND SECONDARY SCHOOL BUILDING
6 WITHIN THE STATE WHEREIN THE USE OF HEATING OR OTHER EQUIPMENT POSES A
7 SUBSTANTIAL RISK OF EXPOSURE TO CARBON MONOXIDE. SUCH CARBON MONOXIDE
8 DETECTORS SHALL MEET THE MANUFACTURE, DESIGN AND INSTALLATION STANDARDS
9 ESTABLISHED BY THE NEW YORK STATE UNIFORM FIRE PREVENTION AND BUILDING
10 CODE COUNCIL PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT OF THE
11 EXECUTIVE LAW.
12 S 2. Subdivision 6-c of section 3602 of the education law, as amended
13 by section 1 of part A2 of chapter 62 of the laws of 2003, is amended to
14 read as follows:
15 6-c. Building aid for metal detectors, SECURITY CAMERAS AND OTHER
16 SECURITY DEVICES, CARBON MONOXIDE DETECTORS and safety devices for elec-
17 trically operated partitions, room dividers and doors. In addition to
18 the apportionments payable to a school district pursuant to subdivision
19 six of this section, the commissioner is hereby authorized to apportion
20 to any school district additional building aid pursuant to this subdivi-
21 sion for its approved expenditures in the base year for the purchase of
22 stationary metal detectors, security cameras, CARBON MONOXIDE DETECTORS
23 REQUIRED PURSUANT TO SECTION FOUR HUNDRED ELEVEN OF THIS CHAPTER, safety
24 devices for electrically operated partitions and room dividers required

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

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1 pursuant to section four hundred nine-f of this chapter, or other secu-
2 rity devices approved by the commissioner that increase the safety of
3 students and school personnel, provided, however, that funds apportioned
4 to school districts pursuant to this section shall not supplant funds
5 for existing district expenditures or for existing contractual obli-
6 gations of the district for stationary metal detectors, security
7 cameras, CARBON MONOXIDE DETECTORS, partition and room divider safety
8 devices, or security devices. Portable or hand held metal detectors
9 shall not be eligible for aid pursuant to this subdivision. Such addi-
10 tional aid shall equal the product of the building aid ratio computed
11 for use in the current year pursuant to paragraph c of subdivision six
12 of this section and the actual approved expenditures incurred in the
13 base year pursuant to this subdivision, provided that the limitations on
14 cost allowances prescribed by paragraph a of subdivision six of this
15 section shall not apply. The commissioner shall annually prescribe a
16 special cost allowance for metal detectors, and security cameras, and
17 the approved expenditures shall not exceed such cost allowance. THE
18 COMMISSIONER SHALL ANNUALLY PRESCRIBE A SPECIAL COST ALLOWANCE FOR
19 CARBON MONOXIDE DETECTORS, AND THE APPROVED EXPENDITURES SHALL NOT
20 EXCEED SUCH COST ALLOWANCE. The commissioner shall annually prescribe a
21 special cost allowance for partition and room divider safety devices,
22 and the approved expenditures shall not exceed such cost allowance.

23 S 3. Notwithstanding any other provision of law, rule or regulation to
24 the contrary no school district shall be required to make expenditures
25 in its current fiscal year or in any subsequent fiscal year of more than
26 one hundred dollars per affected school building for carbon monoxide
27 detectors.

28 S 4. This act shall take effect January 31, 2010, and shall apply to
29 all school buildings first occupied on or after such date, provided,
30 however, that the commissioner of education shall be immediately author-
31 ized and directed to promulgate rules and regulations and take any and
32 all other actions necessary to implement the provisions of this act on
33 such date, and provided further that such rules and regulations shall
34 provide that school buildings occupied prior to January 31, 2010 shall
35 be required to install operable carbon monoxide detectors not later than
36 January 31, 2012.