

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

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

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

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

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

13 1. AN EXISTING BUILDING THAT HAS A HISTORIC STATUS PURSUANT TO FEDERAL,
14 STATE OR LOCAL LAW AND COMPLIANCE WITH CONSTRUCTION REQUIREMENTS AND
15 PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD ALTER THE HISTORIC
16 CHARACTER OF SUCH BUILDING;

17 2. IN THE CASE OF A SUBSTANTIAL RENOVATION, COMPLIANCE WITH
18 CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS
19 ARTICLE WOULD NOT BE COST EFFECTIVE OVER THE USEFUL LIFE OF SUCH RENO-
20 VATION AS DETERMINED PURSUANT TO REGULATIONS PROMULGATED PURSUANT TO
21 THIS ARTICLE;

22 3. COMPLIANCE WITH THIS ARTICLE OR WITH CONSTRUCTION REQUIREMENTS AND
23 PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD BE INCONSISTENT
24 WITH OR VIOLATE FEDERAL OR STATE LAW;

25 4. SUCH OTHER CIRCUMSTANCES AS THE OFFICE MAY REASONABLY DETERMINE
26 PURSUANT TO REGULATIONS TO NOT BE APPROPRIATE FOR THE APPLICATION OF THE
27 CONSTRUCTION REQUIREMENTS AND PROCEDURES ADOPTED PURSUANT TO THIS ARTI-
28 CLE; OR

29 5. THE DESIGN OR PLANNING PROCESS FOR SUCH NEW CONSTRUCTION OR
30 SUBSTANTIAL RENOVATION HAS SUBSTANTIALLY COMMENCED, AS DEFINED BY THE
31 OFFICE IN REGULATIONS, AS OF THE EFFECTIVE DATE OF THE REGULATIONS
32 PROMULGATED BY THE OFFICE PURSUANT TO THIS ARTICLE; PROVIDED HOWEVER,
33 THAT WHENEVER SUBDIVISION ONE, TWO, THREE OR FOUR APPLIES, THE
34 CONSTRUCTION REQUIREMENTS AND PROCEDURES SHALL BE INTEGRATED INTO THE
35 DESIGN AND CONSTRUCTION OF THE PROJECT TO THE MAXIMUM EXTENT PRACTICA-
36 BLE.

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

42 2. THE OFFICE, IN CONSULTATION WITH THE AUTHORITY, THE DEPARTMENT OF
43 ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF HEALTH, THE DORMITORY
44 AUTHORITY OF THE STATE OF NEW YORK, THE DEPARTMENT OF STATE, THE DEPART-
45 MENT OF EDUCATION, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESER-
46 VATION, AND ANY OTHER AGENCY AS DETERMINED BY THE OFFICE THAT MAY BE
47 AFFECTED BY THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS ESTAB-
48 LISHING CONSTRUCTION REQUIREMENTS AND PROCEDURES NECESSARY TO IMPLEMENT
49 THIS ARTICLE, INCLUDING THE EXCEPTIONS DESCRIBED IN SECTION EIGHTY-TWO
50 OF THIS ARTICLE. IN ESTABLISHING SUCH REQUIREMENTS AND PROCEDURES, THE
51 OFFICE MAY CONSULT GREEN CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTAB-
52 LISHED OR ADOPTED BY OTHER AGENCIES, AND BY PRIVATE ORGANIZATIONS,
53 INCLUDING BUT NOT LIMITED TO THE UNITED STATES GREEN BUILDING COUNCIL
54 UNDER ITS LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN PROGRAMS, THE
55 GREEN BUILDING INITIATIVE'S GREEN GLOBES RATING SYSTEM, AND THE AMERICAN
56 NATIONAL STANDARDS INSTITUTE.

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

8 S 4. This act shall take effect immediately, provided however that
9 section two of this act shall be deemed to have been in full force and
10 effect on and after September 25, 2008; and provided further, that
11 section three of this act shall take effect on the three hundred sixty-
12 fifth day after it shall have become a law; provided, however that
13 effective immediately, the office of general services is authorized to
14 promulgate, amend or repeal any rule or regulation which it deems neces-
15 sary or appropriate to implement section three of this act.