5779

2009-2010 Regular Sessions

IN SENATE

June 4, 2009

- Introduced by Sen. THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations
- 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 ASSEM-BLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings and declarations. Green building prac-1 2 tices can reduce the production of greenhouse gases, lower energy costs, 3 reduce the use of natural resources, reduce waste, improve indoor air quality, and reduce indoor and outdoor pollution. This act requires that 4 the construction and substantial renovation of state buildings comply 5 б with "green" building standards established by the office of general 7 services. Building "green" will have positive impacts on our environ-8 ment, provide healthier indoor environments, and reduce costs. 9

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 Article 13 of the energy law is REPEALED.

10 S 3. The public buildings law is amended by adding a new article 4-C to read as follows: 11

ARTICLE 4-C

STATE GREEN BUILDING CONSTRUCTION ACT

SECTION 80. SHORT TITLE. 14

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- 15 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 18 "STATE GREEN BUILDING CONSTRUCTION ACT". 19

S 81. DEFINITIONS. AS USED IN THIS ARTICLE:

21 1. "AGENCY" SHALL MEAN A STATE DEPARTMENT, STATE AGENCY, OR STATE 22 PUBLIC AUTHORITY.

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

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2. "AUTHORITY" SHALL MEAN THE NEW YORK STATE ENERGY RESEARCH 1 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 EXISTING BUILDING AND SHALL INCLUDE BUT NOT BE LIMITED TO ADDITIONS, AN 8 ALTERATIONS, AND RECONSTRUCTION AS DETERMINED PURSUANT TO REGULATIONS PROMULGATED BY THE OFFICE PURSUANT TO THIS ARTICLE. 9 10 S 82. APPLICABILITY. THIS ARTICLE SHALL APPLY TO THE CONSTRUCTION OF 11 NEW BUILDINGS AND THE SUBSTANTIAL RENOVATION OF EXISTING BUILDINGS, EXCEPT THAT THIS ARTICLE SHALL NOT APPLY IN THE FOLLOWING CIRCUMSTANCES: 12 AN EXISTING BUILDING THAT HAS A HISTORIC STATUS PURSUANT TO FEDERAL, 13 1. 14 STATE OR LOCAL LAW AND COMPLIANCE WITH CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD ALTER THE HISTORIC 15 16 CHARACTER OF SUCH BUILDING; THE CASE OF A 17 SUBSTANTIAL RENOVATION, COMPLIANCE 2. IΝ WITH 18 CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTABLISHED PURSUANT TO THIS 19 ARTICLE WOULD NOT BE COST EFFECTIVE OVER THE USEFUL LIFE OF SUCH RENO-VATION AS DETERMINED PURSUANT TO REGULATIONS PROMULGATED PURSUANT 20 TO 21 THIS ARTICLE; COMPLIANCE WITH THIS ARTICLE OR WITH CONSTRUCTION REQUIREMENTS AND 22 3. PROCEDURES ESTABLISHED PURSUANT TO THIS ARTICLE WOULD BE INCONSISTENT 23 24 WITH OR VIOLATE FEDERAL OR STATE LAW; 25 SUCH OTHER CIRCUMSTANCES AS THE OFFICE MAY REASONABLY DETERMINE 4. 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 SUBSTANTIAL RENOVATION HAS SUBSTANTIALLY COMMENCED, AS DEFINED BY 30 THE OFFICE IN REGULATIONS, AS OF THE EFFECTIVE DATE OF THE REGULATIONS 31 32 PROMULGATED BY THE OFFICE PURSUANT TO THIS ARTICLE; PROVIDED HOWEVER, 33 SUBDIVISION ONE, TWO, THREE OR FOUR APPLIES, THAT WHENEVER THE CONSTRUCTION REQUIREMENTS AND PROCEDURES SHALL BE INTEGRATED INTO 34 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 PURSUANT TO SUBDIVISION TWO OF THIS SECTION. 41 THE OFFICE, IN CONSULTATION WITH THE AUTHORITY, THE DEPARTMENT OF 42 2. 43 ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF HEALTH, THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE DEPARTMENT OF STATE, THE DEPART-44 45 MENT OF EDUCATION, THE OFFICE OF PARKS, RECREATION AND HISTORIC PRESER-VATION, AND ANY OTHER AGENCY AS DETERMINED BY THE OFFICE THAT MAY BE 46 47 AFFECTED BY THIS ARTICLE, SHALL PROMULGATE RULES AND REGULATIONS ESTAB-LISHING CONSTRUCTION REQUIREMENTS AND PROCEDURES NECESSARY TO IMPLEMENT 48 THIS ARTICLE, INCLUDING THE EXCEPTIONS DESCRIBED IN SECTION EIGHTY-TWO OF THIS ARTICLE. IN ESTABLISHING SUCH REQUIREMENTS AND PROCEDURES, THE 49 50 OFFICE MAY CONSULT GREEN CONSTRUCTION REQUIREMENTS AND PROCEDURES ESTAB-51 LISHED OR ADOPTED BY OTHER AGENCIES, AND BY PRIVATE ORGANIZATIONS, 52 INCLUDING BUT NOT LIMITED TO THE UNITED STATES GREEN BUILDING COUNCIL 53 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.

3. FOR PURPOSES OF MONITORING COMPLIANCE WITH THIS ARTICLE AND 1 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 QUALб WATER REDUCTIONS AND MAINTENANCE PROCEDURES AND PROCESSES. SUCH ITY, 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.