

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

5374--A

2011-2012 Regular Sessions

I N A S S E M B L Y

February 16, 2011

Introduced by M. of A. ROSENTHAL, BENEDETTO, ROBINSON, HEASTIE, TITONE, CUSICK, TOBACCO, JEFFRIES, BARRON, DINOWITZ, RODRIGUEZ, ARROYO, BOYLAND, BROOK-KRASNY, CAMARA, CASTRO, COLTON, CRESPO, GIBSON, GLICK, HEVESI, JACOBS, KELLNER, LINARES, LENTOL, MAISEL, MENG, MILLMAN, MOYA, O'DONNELL, J. RIVERA, N. RIVERA, SIMOTAS, STEVENSON, TITUS, WEPRIN, WRIGHT, KAVANAGH, P. RIVERA -- Multi-Sponsored by -- M. of A. CLARK, GOTTFRIED, MARKEY, PERRY -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the administrative code of the city of New York, in relation to requiring the replacement of lighting ballasts and lighting fixtures in buildings constructed between 1950 and 1978 that are used as schools and requiring the promulgation of regulations by the state department of education

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

1 Section 1. Subchapter 7 of chapter 1 of title 27 of the administrative
2 code of the city of New York is amended by adding a new article 23 to
3 read as follows:

4 ARTICLE 23

5 SCHOOL BUILDINGS CONSTRUCTED BETWEEN 1950 AND 1978

6 SECTION 27-521.20 LIGHTING BALLASTS AND LIGHTING FIXTURES IN SCHOOL
7 BUILDINGS.

8 27-521.25 FINANCING AND REMEDIATION.

9 S 27-521.20 LIGHTING BALLASTS AND LIGHTING FIXTURES IN SCHOOL BUILD-
10 INGS. (A) THE DEPARTMENT SHALL REPLACE ALL LIGHTING BALLASTS AND LIGHT-
11 ING FIXTURES IN ANY BUILDING CONSTRUCTED OR SUBSTANTIALLY RENOVATED
12 BETWEEN THE YEARS NINETEEN HUNDRED FIFTY AND NINETEEN HUNDRED
13 SEVENTY-EIGHT THAT IS CURRENTLY USED AS A SCHOOL.

14 (B) FOLLOWING THE REPLACEMENT OF ANY LIGHTING BALLASTS OR LIGHTING
15 FIXTURES PURSUANT TO SUBDIVISION (A) OF THIS SECTION, EACH SITE SHALL BE

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

LBD07913-06-1

1 TESTED FOR THE PRESENCE OF POLYCHLORINATED BIPHENYLS. RESULTS SHALL BE
2 POSTED ON THE DEPARTMENT'S WEBSITE WITHIN FOUR DAYS OF RECEIVING TEST
3 RESULTS.

4 (C) SCHOOL BUILDINGS SHALL BE EXEMPT FROM SUBDIVISION (A) OF THIS
5 SECTION IF THE LIGHTING BALLASTS AND LIGHTING FIXTURES HAVE BEEN
6 REPLACED USING MATERIALS NOT CONTAINING POLYCHLORINATED BIPHENYLS.

7 (D) FOR PURPOSES OF THIS SECTION:

8 (1) "DEPARTMENT" SHALL MEAN THE NEW YORK CITY DEPARTMENT OF EDUCATION.

9 (2) "SCHOOL" SHALL MEAN EACH SCHOOL WITHIN THE NEW YORK CITY PUBLIC
10 SCHOOL SYSTEM THAT PROVIDES EDUCATIONAL INSTRUCTION TO STUDENTS AT OR
11 BELOW THE TWELFTH GRADE LEVEL.

12 S 27-521.25 FINANCING AND REMEDIATION. THE DEPARTMENT SHALL COORDINATE
13 FINANCING AND REMEDIATION IN CONSULTATION WITH RELEVANT STATE AGENCIES
14 AND THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND SHALL BE
15 REQUIRED TO SEARCH FOR FEDERAL AND STATE FINANCING TO ACCOMPLISH SUCH
16 PURPOSE.

17 S 2. Notwithstanding any provision of law to the contrary, the state
18 education department shall implement and enforce rules or regulations
19 necessary to effectuate the provisions of this act. The state education
20 department shall establish deadlines to ensure expedited remediation and
21 testing of lighting ballasts and lighting fixtures in school buildings
22 constructed between 1950 and 1978 and shall require that fifty percent
23 of all replacement work shall be completed within two years and the
24 completion of all replacement work within three years from the effective
25 date of this act.

26 S 3. This act shall take effect immediately; provided however that
27 section one of this act shall take effect on the one hundred eightieth
28 day after it shall have become a law.