

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

3487--A

2011-2012 Regular Sessions

I N S E N A T E

February 23, 2011

Introduced by Sens. LAVALLE, HUNTLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the "school buildings carbon monoxide detectors act"

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

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

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

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

26 S 4. Notwithstanding any other provision of law, rule or regulation to
27 the contrary no school district shall be required to make expenditures
28 in its current fiscal year or in any subsequent fiscal year of more than
29 one hundred dollars per affected school building for carbon monoxide
30 detectors.

31 S 5. This act shall take effect on the one hundred eightieth day after
32 it shall have become a law, and shall apply to all school buildings
33 first occupied on or after such date, provided, however, that the
34 commissioner of education shall be immediately authorized and directed
35 to promulgate rules and regulations and take any and all other actions
36 necessary to implement the provisions of this act on such date, and
37 provided further that such rules and regulations shall provide that
38 school buildings occupied prior to January 31, 2013 shall be required to
39 install operable carbon monoxide detectors not later than January 31,
40 2015.