

3676--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 28, 2013

---

Introduced by M. of A. LUPARDO, CAHILL, KAVANAGH, GOTTFRIED, PAULIN, ROSENTHAL, KELLNER, JAFFEE, MILLMAN, SCHIMEL, ROBINSON, ORTIZ, GALEF, CLARK, BENEDETTO, COLTON, BROOK-KRASNY, AUBRY, SKARTADOS, SIMOTAS, LIFTON, ROSA, SWEENEY, ABINANTI -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, GLICK, JACOBS, MONTESANO, RIVERA, TITONE -- read once and referred to the Committee on Education -- recommitted to the Committee on Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to establishing the green schools New York act

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

1     Section 1. This act shall be known and may be cited as the "green  
2     schools New York act".  
3     S 2. Subdivision 3 of section 408 of the education law, as amended by  
4     section 2 of part A-1 of chapter 58 of the laws of 2006, is amended and  
5     a new subdivision 3-a is added to read as follows:  
6     3. The commissioner shall approve the plans and specifications, here-  
7     tofore or hereafter submitted pursuant to this section, for the erection  
8     or purchase of any school building or addition thereto or remodeling  
9     thereof on the site or sites selected therefor pursuant to this chapter,  
10    if such plans conform to the requirements and provisions of this chapter  
11    and the regulations of the commissioner adopted pursuant to this chapter  
12    in all other respects; provided, however, that the commissioner [of  
13    education] shall not approve the plans for the erection or purchase of  
14    any school building or addition thereto unless the site has been  
15    selected with reasonable consideration of the following factors; its  
16    place in a comprehensive, long-term school building program; area  
17    required for outdoor educational activities; educational adaptability,  
18    environment, accessibility; soil conditions; initial and ultimate cost.

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

LBD07062-02-4

1 [In developing such plans and specifications, school districts are  
2 encouraged to review the energy conservation and saving best practices  
3 available from the department and the New York state energy research and  
4 development authority.]

5 3-A. IN DEVELOPING SUCH PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION  
6 OF NEW SCHOOLS OR THE SUBSTANTIAL RECONSTRUCTION OF AN EXISTING SCHOOL,  
7 SCHOOL DISTRICTS SHALL BE REQUIRED TO COMPLY WITH THE CURRENT NY - CHPS  
8 CRITERIA ESTABLISHED IN THE DEPARTMENT'S MANUAL OF PLANNING STANDARDS -  
9 APPENDIX: NY - CHPS HIGH PERFORMANCE SCHOOLS GUIDELINES.

10 S 3. Subdivision 1 of section 408-a of the education law, as amended  
11 by chapter 420 of the laws of 1968, is amended to read as follows:

12 1. The commissioner [of general services], after consultation with the  
13 [commissioner of education] NEW YORK STATE ENERGY RESEARCH AND DEVELOP-  
14 MENT AUTHORITY and subject to the approval of the director of the budg-  
15 et, shall promptly prepare or acquire as many master sets of complete  
16 plans and specifications for the construction of new school buildings  
17 and appurtenant facilities as shall be sufficient to provide at least  
18 six different master sets each for elementary, junior high and high  
19 schools, based on the number of pupils to be accommodated therein. Such  
20 plans and specifications shall be prepared so as to provide adequate  
21 classrooms and other necessary space and facilities at the lowest cost  
22 consistent with sound construction principles and practices, and the  
23 attainment of educational objectives, and shall provide for heating,  
24 ventilation, lighting, sanitation and health, fire and accident  
25 protection adequate to maintain healthful, safe, and comfortable condi-  
26 tions therein. Such plans and specifications shall be so prepared that  
27 any possible future addition to any such school building may be econom-  
28 ically effectuated. SUCH PLANS SHALL COMPLY WITH THE CRITERIA ESTAB-  
29 LISHED IN THE DEPARTMENT'S MANUAL OF PLANNING STANDARDS - APPENDIX: NY -  
30 CHPS HIGH PERFORMANCE SCHOOLS GUIDELINES. In addition, the commissioner  
31 [of general services] shall, as often as he OR SHE deems advisable but  
32 at least annually, review such master sets and, after consultation with  
33 the [commissioner of education] NEW YORK STATE ENERGY RESEARCH AND  
34 DEVELOPMENT AUTHORITY, and subject to approval of the director of the  
35 budget, may revise or cancel any of such sets or prepare new sets.

36 S 4. This act shall take effect on the three hundred sixty-fifth day  
37 after it shall have become a law; provided however that effective imme-  
38 diately, the department of education is authorized to promulgate, amend  
39 or repeal any rule or regulation which it deems necessary or appropriate  
40 to implement this act.