

3752--B

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 29, 2013

---

Introduced by M. of A. CRESPO, ROSA, TITONE, RIVERA, AUBRY, GRAF, COOK, CAHILL, BOYLAND -- Multi-Sponsored by -- M. of A. ARROYO, HEASTIE, HOOPER, MOYA, PERRY, ROBINSON, RODRIGUEZ -- read once and referred to the Committee on Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 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. Paragraph a of subdivision 6-c of section 3602 of the education  
15    law, as amended by chapter 1 of the laws of 2013, is amended to read as  
16    follows:  
17    a. Building aid for metal detectors, SECURITY CAMERAS AND OTHER SECU-  
18    RITY DEVICES, CARBON MONOXIDE DETECTORS and safety devices for elec-  
19    trically operated partitions, room dividers and doors. In addition to

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

LBD04359-12-4

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

30 S 4. In accordance with chapter 507 of the laws of 1974, the commis-  
31 sioner of education shall apportion to each qualifying nonpublic school  
32 an amount equal to the actual costs incurred by such school that result  
33 from complying with section 411 of the education law. Notwithstanding  
34 any other provision of law, rule or regulation to the contrary no school  
35 district shall be required to make expenditures in its current fiscal  
36 year or in any subsequent fiscal year of more than one hundred dollars  
37 per affected school building for carbon monoxide detectors.

38 S 5. This act shall take effect on the one hundred eightieth day after  
39 it shall have become a law, and shall apply to all school buildings  
40 first occupied on or after such date, provided, however, that the  
41 commissioner of education shall be immediately authorized and directed  
42 to promulgate rules and regulations and take any and all other actions  
43 necessary to implement the provisions of this act on such date, and  
44 provided further that such rules and regulations shall provide that  
45 school buildings occupied prior to January 31, 2015 shall be required to  
46 install operable carbon monoxide detectors not later than January 31,  
47 2017.