

PUBLIC BUILDINGS LAW
CHAPTER 44 OF THE CONSOLIDATED LAWS

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ARTICLE 1
SHORT TITLE

Section 1. Short title.

§ 1. Short title. This chapter shall be known as the "Public Buildings Law."

ARTICLE 2
COMMISSIONER OF GENERAL SERVICES

- Section 2. Public buildings.
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§ 2. Public buildings. Except where otherwise prescribed by law, the commissioner of general services shall have supervision and control of public buildings of the state of New York, including the capitol and executive mansion, with the buildings, grounds and premises adjacent or appurtenant thereto or connected thereto or connected therewith belonging to the state, so far as such grounds and premises now or hereafter shall be laid out and completed, and the entire public sidewalks bordering upon the capitol grounds and parks for the purpose of keeping such sidewalks at all times clear of snow, ice, dirt and all other obstructions.

§ 2-a. Park north of capitol and east of the state education building.

The park grounds and premises belonging to the state, lying to the north of the capitol between Washington avenue and Elk street, and to the east of the state education building, in the city of Albany, shall hereafter be known and designated as "Lafayette Park." Such park grounds and premises shall be under the supervision and control of the commissioner of general services.

§ 2-b. State office building to be designated and known as the "Perry

B. Duryea, Jr. State Office Building". The New York state office building on Veterans Memorial Highway in the town of Islip, county of Suffolk, shall be designated and known as the "Perry B. Duryea, Jr. State Office Building".

*** § 2-c. Research tower at the Institute for Basic Research in Developmental Disabilities to be named the "Dr. Henryk Wisniewski Research Tower".** The five story tower which is part of the administrations building at the New York State Institute for Basic Research in Developmental Disabilities located in the Borough of Staten Island, County of Richmond, shall be designated and known as the "Dr. Henryk Wisniewski Research Tower".

* NB There are 2 § 2-c's

*** § 2-c. State office building to be designated and known as the "Shirley Chisholm State Office Building".** The state office building at 55 Hanson Place in Brooklyn, New York shall be designated and known as the "Shirley Chisholm State Office Building".

* NB There are 2 § 2-c's

§ 3. General powers and duties of the commissioner of general services. The commissioner of general services is authorized to:

1. accept and receive for erection or location in any of the public buildings or grounds such statues, monuments, memorials or tablets having reference to historical events in the history or acts of the citizens or soldiers of the state of New York as shall meet his approval, provided that such gifts are unconditional and are erected or located without expenditure from the state treasury.

2. cause the flags of the United States and the state flag bearing the arms of the state, to be displayed upon the capitol building during the daily sessions of the legislature and on public occasions, and cause the necessary flagstaffs to be erected therefor. Cause the flag of the United States to be appropriately displayed at all times in the senate chamber and in the assembly chamber. Cause the flag of the United States to be appropriately displayed upon the walls of any hall or other meeting place in a public building under his supervision and control during any meeting or gathering of persons to which the public is invited. The necessary expenses incurred thereby shall be paid out of the treasury on the warrant of the comptroller.

3. without process and of his own authority, arrest and convey to any magistrate in the county of Albany any person found disorderly or in the commission of a breach of the peace within any building or on any grounds under his supervision and control and designate employees in the unit having charge of the operation and maintenance of public buildings and grounds, who, on taking and filing an oath of office with the county clerk of Albany county, shall have the same power of arrest and presentment of complaint as the commissioner of general services.

4. Notwithstanding the provisions of this chapter or of any general or special law, and whenever funds therefor are available or have been otherwise provided, the commissioner of general services is hereby authorized and empowered, subject to the approval of the division of the budget, to retain and employ private engineers, architects and consultants, or firms practicing such professions, for the purposes of (1) preparing designs, plans and estimates of structures of any type and character, (2) rendering assistance and advice in connection of any

project, whether defined or proposed, and under the supervision of the office of general services, and (3) performing such other and necessary services as the commissioner of general services may deem necessary in the administration of the office of general services.

5. The commissioner of general services shall have power and it shall be his duty to prepare the plans, specifications, designs and estimates, and, by the procedure and methods provided by the laws relating thereto, to construct and reconstruct the public buildings and grounds of the state that are now or shall hereafter be under the jurisdiction of the office of general services for such purposes.

6. Any other provision of law to the contrary notwithstanding, the commissioner of general services may make any agreements with respect to any lands or properties acquired for state purposes in the city of Albany pursuant to the recommendations of the temporary state commission on the capital city, whereby such lands and properties may continue to be occupied and used by the former owners, their tenants or assigns, or any other person or persons, for a period from the date of acquisition of such lands and properties until such time as the state requires actual physical possession, provided that during the period of such occupancy, such lands shall remain on the assessment rolls of the city of Albany and shall be subject to real estate taxes and assessments in the same manner as privately owned lands. The right of the former owner or such other person or persons to occupy and use such lands shall be conditioned on the prompt payment of the full amount of such taxes and assessments, with interest and penalties, if any. The state shall not in any event be liable for real estate taxes or assessments on such lands. The agreement may also provide for such other terms, including any additional payments as net rentals, as the parties may stipulate. The relationship of the state and such occupants shall be deemed to be that of landlord and tenant. A copy of any such agreement shall be filed with the county clerk of the county of Albany. Any other provision of law to the contrary notwithstanding, the commissioner of general services may also enter into contracts or agreements with any other state agency or any person, firm or corporation for the management or operation of any such lands or properties until such time as the state requires actual

physical possession.

7. The provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall not apply to academic buildings, dormitories, and other facilities constructed, acquired, reconstructed, rehabilitated or improved for the use of the state university of New York or any state-operated institution or statutory or contract college under the jurisdiction thereof or for the use of the students, faculty and staff of the state university or any such state-operated institution or statutory or contract college under the jurisdiction thereof, and their families, or to contracts entered into by the state university construction fund or the state university trustees pursuant to article eight-a of the education law or to real property held in the name of the state for purposes of the state university of New York or any state-operated institution or statutory or contract college under the jurisdiction thereof. However, the office of general services, by or through the commissioner of general services or his duly authorized officer or employee, may construct, acquire, reconstruct, rehabilitate or improve such facilities in accordance with the provisions of article eight-a of the education law pursuant to agreement with the state university construction fund, as agent for the state university of New York.

8. The provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall not apply to mental hygiene facilities constructed, acquired, reconstructed, rehabilitated or improved pursuant to the health and mental hygiene facilities improvement act or to contracts entered into by the trustees of the mental hygiene facilities improvement fund or by the state housing finance agency in relation thereto, or to real property held in the name of the state for the corporate purposes of such fund, except that the provisions of this article and sections one hundred forty-three and one hundred forty-four of the state finance law shall apply, so far as practicable, to such mental hygiene facilities as are constructed, acquired, reconstructed, rehabilitated or improved by the commissioner of general services under an agreement made with the trustees of the mental hygiene facilities improvement fund. The commissioner of general

services is hereby authorized and empowered to enter into any such agreement with the said trustees, upon such terms and conditions as may be mutually acceptable and in accordance with any requirements of subdivision two of section nine of the health and mental hygiene facilities improvement act relating to the approval of the commissioner of mental hygiene as to architectural concept and the detailed plans and specifications, the approval of the said trustees as to the proposed terms of construction contracts to be let by the commissioner of general services under such agreement, the supervision of the work to be performed, and the certification of bills for payment by the trustees of the mental hygiene facilities improvement fund.

9. (a) The commissioner of general services shall have the power and it shall be his or her duty to equip that room in the state capitol customarily utilized by the governor to brief the members of the working press and news media with an assistive listening system for use by the deaf and hard of hearing.

(b) For purposes of this section, the term "assistive listening system" shall mean situational-personal acoustic communication equipment designed to improve the transmission and auditory reception of sound. Such system shall include but not be limited to the use of standard amplitude modulation (AM), frequency modulation (FM), audio induction loop, infrared light sound, or hard wire systems.

10. Notwithstanding any provision of this article or of any general or special law, upon written certification by the department or agency having jurisdiction that efficiency or economy will result therefrom, the commissioner of general services may adopt and use standardized specifications for a particular type, class or item of equipment, material or system to be included in the plans and specifications prepared pursuant to this article. Such plans and specifications shall conform with sections seven thousand two hundred nine and seven thousand three hundred seven of the education law.

11. Allot to the legislature and to the departments, commissions, boards and officers of the state government such space and room in the public buildings or leased space that are now or shall be hereafter

under the supervision and control of the commissioner of general services. Space in the state capitol occupied by the legislature, and committees and offices thereof, shall not be reduced nor other space substituted therefor without the approval of the temporary president of the senate and speaker of the assembly. Where a statute provides, in terms or effect, that a department, commission, board or officer of the state government shall have space or rooms in the state capitol, or in a building in the city of Albany which is now or which shall hereafter be under the supervision and control of the commissioner of general services, the commissioner may, if space in the capitol or in any such building be not adequate or available therefor, assign space or rooms therefor in buildings, rooms or premises in such city that are now or that shall be hereafter available by lease or leases as aforementioned.

* 12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, except that, the commissioner of general services may enter into leases for a term not exceeding fifteen years when, in the judgment of such commissioner, such longer term is in the best interests of the state. Any such lease may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of such commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed. Notwithstanding any other provision

of law to the contrary, if bonds or notes are issued pursuant to section sixteen hundred eighty-n of the public authorities law for the purpose of acquiring a building or other facility previously financed by a lease or lease-purchase obligation as authorized herein, the state agency which is the tenant in occupancy shall be authorized to remit tax payments or payments in lieu of thereof to the appropriate taxing authority in a manner consistent with the process and term established under the original lease or lease-purchase for the subject property for a period coincident with the term of the lease as established at the commencement of the term thereof. The state may undertake a certiorari review of assessments that may be imposed from time to time.

* NB Effective until June 30, 2030

* 12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, but may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of the commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed.

* NB Effective June 30, 2030

13. (a) In his or her discretion, lease space in any public building or other premises under his or her supervision and control, pursuant to

this article, to any person, firm or corporation, for the operation of restaurants, retail stores, vending stands for the sale of newspapers, periodicals, confections and such other articles that are not tobacco products, as may be approved by the commissioner for each stand, and for bootblack service. Any such lease shall be subject to such terms and conditions as he or she may deem proper, but for a term not exceeding five years, except that the commissioner may, in his or her discretion, lease space for a term of not more than ten years where extensive renovation or repair to or improvement of the space is required of or by the lessee and the commissioner determines that it is reasonable for the costs thereof to be amortized over a term greater than five years. Nothing herein shall restrict the commissioner from providing in any such lease for its renewal or extension, at the commissioner's option, for terms of five years or less. However, in order to provide blind persons with remunerative employment, enlarge their economic opportunities and facilitate their efforts to be self-supporting, whenever feasible, permits shall be given to the state department of social services for the operation of vending stands and machines.

(b) Issue to the office of children and family services a permit for any of the purposes mentioned in this subdivision to be operated by a blind person or persons as defined in subdivision four of section two hundred eight of the social services law or for the operation of vending machines and similar devices dispensing food, confections, coffee, tea, milk, soft drinks and such other articles, that are not tobacco products, as may be approved by him or her in consultation with the office of children and family services, for the benefit of the general purposes of the business enterprise program for the blind of the office of children and family services commission for the blind, and upon such terms and conditions as the commissioner may deem proper but without provision for payment of rent or other consideration for such permits, and for a term not exceeding five years, which permit may be extended and renewed. Such permit shall include a provision authorizing the office of children and family services to assign or transfer such permit to a blind person or persons, as herein referred to, for the purposes aforesaid, and it shall also provide that the office of children and family services shall send to the commissioner a notice of any assignment or transfer as aforesaid, which notice shall contain such

information as the commissioner shall require. The permit and any assignment or transfer thereof shall reserve (i) to the office of children and family services the power of supervision over the conduct and operation of the premises covered thereby and (ii) to the commissioner of general services the right to revoke such permit or the assignment or transfer thereof upon the mailing to the last known address of the assignee or assignees a notice of such revocation to be effected within such period of time as the commissioner shall deem to be reasonable.

(c) If he or she shall deem it necessary to cause the removal of a lessee, licensee or assignee from the demised premises, other than the New York state commission for the blind, or its licensee, the commissioner of general services shall cause the lessee, licensee or assignee and his or her representative to be removed therefrom and the possession to be delivered to the commissioner of general services in the same manner and by the same proceedings and before the same officers as provided for in article seven of the real property actions and proceedings law. The proceedings shall be brought in the name of the commissioner of general services as an agent of the state. If any person proceeded against shall contest the petition by an answer raising any material issue the attorney general shall be notified, and he or she thereafter shall represent the petitioner in the proceedings.

14. Where the use of any state-owned real property is not presently required for any other state purpose, the department, board, commission, division, or other state agency having jurisdiction thereof, may, with the approval of the commissioner of general services, temporarily lease or operate such property in such manner as will produce net revenue for the support of the state (a) by the forces and equipment of such department, board, commission, division or other state agency, or (b) by contracting for the management and operation thereof with any person, firm or corporation, or (c) by a combination of such methods, but no such contract nor any lease or permit for the use of such property shall be made for a period exceeding five years from the date thereof. All expenses incident to the leasing, use or operation of any such property shall be paid out of the gross revenue therefrom and shall not be a charge against the state. Insofar as the provisions of this subdivision

may conflict with the provisions of section one hundred twenty-one of the state finance law or provisions of any other law, the provisions of this subdivision shall control and the same shall not be deemed to be repealed, altered or superseded by implication by the enactment or amendment of any other law. The use and occupancy of any such property pursuant to any license, lease, permit or contract made under the provisions of this subdivision and the right of the state or its duly authorized agent to recover possession thereof shall not be subject to the emergency housing rent control law. Where it is necessary to cause the removal of an occupant of any such property, the head of the department, board, commission, division or other state agency having jurisdiction thereof may cause such occupant to be removed therefrom and the possession thereof to be delivered to him or her as agent of the state in the same manner and by the same proceedings in the same court or before the same judge or justice as is now or hereafter may be provided by law for the removal of a tenant holding over after the expiration of his or her term without the permission of the landlord. The proceeding shall be brought in the name of such head of such department, board, commission, division or other state agency having jurisdiction of such property, as agent of the state.

15. The provisions of subdivision fourteen of this section shall not apply to the following state-owned lands:

(a) Lands under the jurisdiction of the commissioner of general services.

(b) Lands under the jurisdiction of a state or interstate authority, commission or agency, the leasing of which is authorized by any other law.

(c) Lands acquired by the commissioner of transportation for purposes connected with the construction, reconstruction, improvement or maintenance of a state highway or other duly authorized project.

(d) Lands acquired by the commissioner of general services pursuant to chapter two hundred thirty-seven of the laws of nineteen hundred forty-six.

(e) Lands subject to the provisions of the salt springs law.

§ 4. Rooms for the Grand Army of the Republic and United Spanish War Veterans. The rooms in the capitol now under the charge of the commander of the Grand Army of the Republic for the department of New York, shall continue to be set apart and suitably furnished by the commissioner of general services, and such rooms so furnished shall hereafter be and remain under the joint charge of the commander of the Grand Army of the Republic and the commander of the United Spanish War Veterans, department of New York, or of such officers who are members of such organizations, respectively, as they or their successors may appoint. Such rooms shall continue to be used by them for the purpose of storing the supplies and property of such Grand Army of the Republic and United Spanish War Veterans and their relics and mementoes, and for arranging and preserving the history of individuals belonging to organizations of the state who served in the army, navy, or marine corps, during the war of the rebellion or the Spanish American war, or of citizens of this state who served in the regular army, navy or marine corps of the United States, which such organizations may collect and desire to preserve as a part of the history of the state. Such records shall be accessible at all times under suitable rules and regulations to members of the Grand Army of the Republic, members of the United Spanish War Veterans and other persons engaged in collecting historical information. The commander of each organization shall annually report to the legislature, on or before April first, such portions of the transactions of his respective organization as he deems to be of interest to that organization and to the people of the state.

§ 5. Quarters for Veterans of Foreign Wars. There shall be set aside, when available, suitably furnished space by the commissioner of general services, in the capitol, for the use as quarters of the Veterans of Foreign Wars of the United States, department of New York, in the transaction of its business and preservation of its records. Such quarters shall be under the charge of the commander of veterans of foreign wars of the United States, department of New York, and such officers who are members of such department as he or his successor may appoint.

§ 5-a. Quarters for Disabled American Veterans. There shall be set aside, when available, suitably furnished space by the commissioner of general services, in the capitol, for the use as quarters of the Disabled American Veterans, department of New York, in the transaction of its business and preservation of its records. Such quarters shall be under the charge of the department commander of the Disabled American Veterans, department of New York, and such officers who are members of such department as he or his successor may appoint.

§ 5-b. Quarters for Vietnam Veterans of America. There shall be set aside, when available, suitably furnished space by the commissioner of general services, in the capitol, for the use as quarters of the Vietnam Veterans of America, New York State Council, in the transaction of its business and preservation of its records. Such quarters shall be under the charge of the president of the Vietnam Veterans of America, New York State Council, and such officers who are members of such organization as his or her successor may appoint.

*** § 5-c. Samuel J. Abbott commemorative plaque.** There shall be installed and maintained in the Capitol, a commemorative plaque honoring the service and sacrifice of Samuel J. Abbott to the people of the state. Such plaque shall bear the likeness of Samuel J. Abbott, include a description of his service and sacrifice to the people of the state, and be designed and placed in a manner as determined jointly by the commissioner of general services and the commission on the restructuring of the Capitol.

* NB There are 2 § 5-c's

*** § 5-c. POW/MIA chair and plaque in the capitol.** There shall be set aside space in the capitol by the commissioner of general services for a POW/MIA chair and plaque, and such commissioner shall provide for the placement and maintenance of such chair and plaque in the capitol to honor United States prisoners of war and those still missing in action.

* NB There are 2 § 5-c's

§ 6. Construction plans; custody; approval; and procedure

notwithstanding local requirements. The office of general services shall have the custody of all plans, specifications, books and records of such office which pertain to architecture. The commissioner of general services shall prepare the drawings and specifications for and supervise the construction of all new buildings erected at the expense of the state, except as otherwise provided by law; shall also prepare the drawings and specifications for reconstruction and for all additions to existing buildings, and for the alteration or improvement thereof, and shall see that the materials furnished and the work performed in constructing, reconstructing, altering or improving any such building are in accordance with such drawings and specifications, and that the interests of the state are fully protected.

Notwithstanding any inconsistent provisions of law, the commissioner of general services may by rules delegate to the agency or department having custody of any public building full responsibility for the preparation of plans and specifications and the supervision of minor, routine or uncomplicated construction, reconstruction, alteration, improvement or repair of any such building, providing the value of such work shall not exceed one hundred fifty thousand dollars.

All the provisions of this chapter that relate to state buildings shall, insofar as may be practicable, also apply to the improvement of grounds owned by the state.

No municipality of the state shall have power to modify or change plans or specifications for the erection, reconstruction, alteration or improvement of state buildings, or the construction, plumbing, heating, lighting or other mechanical branch of work necessary to complete the work in question, nor to require that any person, firm or corporation employed on any such work shall perform said work in any other or different manner than that provided by said contract and specifications, nor to obtain any other or additional authority or permit from such

municipality, department or person as a condition of doing such work, nor shall any condition whatever be imposed by any such municipality in relation to the work under the supervision of the commissioner of general services, but such work shall be under the sole control of such commissioner in accordance with the drawings, plans, specifications and contracts in relation thereto; and the doing of any such work for the state by any person, firm or corporation in accordance with the terms of such contract, plans or specifications shall not subject said person, firm or corporation to any liability or penalty, civil or criminal, other than as may be stated in such contract and specifications or incidental to the proper enforcement thereof. The commissioner of general services shall prepare necessary contracts, to be approved as to form and execution by the attorney-general, which shall be used in all work let by contract and no payment shall be made on any such contract except upon official certificate of such commissioner after audit by the comptroller.

§ 8. Contracts. 1. Whenever the commissioner of general services, in accordance with the provisions of this chapter, has caused to be prepared the drawings and specifications for the work of construction, reconstruction, alteration, repair or improvement of any state buildings such drawings and specifications shall be a part of the contract therefor. Such drawings and specifications when prepared shall be filed in the office of the office of general services, and in the office of the board, department, commission or officer having jurisdiction over such state buildings whether constructed or to be reconstructed, and the office of the state comptroller at his request; and shall at all times be open to public inspection. The department or other agency having such jurisdiction shall adopt, modify or reject any such drawings and specifications, and no such work shall be begun until the drawings and specifications therefor have been adopted, but before the adoption thereof, the department or other agency having such jurisdiction shall submit the same to the board of visitors, if any, of the said department or other agency, in case such board of visitors is authorized by law to review such drawings and specifications for the purposes of this section, and shall allow such board of visitors a period of not more

than thirty days in which to submit a statement of their opinions and suggestions in regard thereto.

2. The said department or other agency having jurisdiction shall, except as otherwise provided in this chapter, advertise for proposals for such work of construction, reconstruction, alteration, repair or improvement, or, upon the request of said department or other agency, the commissioner of general services is authorized to advertise for and to receive and open such proposals for such work of construction, reconstruction, alteration, repair or improvement, and upon the opening of such proposals he shall, in appropriate cases, transmit to said department or other agency a tabulation of such proposals. Except as provided in section twenty of this chapter, such advertisement for proposals shall be printed in a newspaper published in the city of Albany, and in such other newspaper or newspapers as will be most likely to give adequate notice to contractors of the work contemplated and of the invitation to submit proposals therefor. Such advertisement shall be published for such time and in such manner as shall be determined by the commissioner of general services. Such advertisement shall be a public notice which shall contain a brief description of the work of construction, reconstruction, alteration, repair or improvement, a reference to the drawings and specifications therefor and where they may be seen and obtained, the time when and the place where the proposals invited by such advertisement will be received, the requirement of a deposit with the proposal, the requirement of a bond to accompany the contract and in such amount as may be prescribed for the faithful performance of the contract, and such other matters as the commissioner of general services may deem advisable.

3. Every proposal received by the said department or other agency or the commissioner of general services, as the case may be, must be sealed and enclosed therewith the bidder shall deposit with the said department or other agency, or with the commissioner of general services, as the case may be, such security as the commissioner of general services shall determine as a guarantee that the bidder will enter into the contract if it be awarded to him. Such security shall be returned as soon as practicable after the bid opening to all bidders other than the two

lowest bidders. The security of the two lowest bidders shall be returned to each of them upon the execution of the contract and the bonds, if any, required by law for the performance of the work of a public improvement for the state of New York or upon the rejection of all bids.

4. The said department or other agency or the commissioner of general services, as the case may be, may (a) reject any or all proposals, (b) again advertise for proposals, and (c) waive any informality in proposals, if the said department or other agency or official having jurisdiction, deems the best interests of the state will be promoted thereby. No proposal shall be withdrawn or cancelled before the time designated for opening such proposals publicly, except upon such conditions as the said department or other agency or official having jurisdiction, may deem to be necessary.

6. All contracts for amounts in excess of five thousand dollars for the work of construction, reconstruction, alteration, repair or improvement of any state building, whether constructed or to be constructed must be offered for public bidding and may be awarded to the lowest responsible and reliable bidder, as will best promote the public interest, by the said department or other agency with the approval of the comptroller for the whole or any part of the work to be performed, and, in the discretion of the said department or other agency, such contracts may be sublet; provided, however, that no such contract shall be awarded to a bidder other than the lowest responsible and reliable bidder, except for certain contracts awarded to minority or women-owned business enterprises as provided herein, without the written approval of the comptroller. When a proposal consists of unit prices of items specified to be performed, except for certain contracts awarded to minority or women-owned business enterprises as provided herein, the lowest bid shall be deemed to be that which specifically states the lowest gross sum for which the entire work will be performed, including all the items specified in the proposal thereof. The lowest bid shall be determined by the commissioner of general services on the basis of the gross sum for which the entire work will be performed, arrived at by a correct computation of all the items specified in the proposal therefor at the unit prices contained in the bid. Provided, however, that where a

responsible and reliable bidder certified as a minority-owned business enterprise or women-owned business enterprise pursuant to article fifteen-A of the executive law submits a bid of one million four hundred thousand dollars or less, as adjusted annually for inflation beginning January first, two thousand twenty, the bid of the minority or women-owned business enterprise shall be deemed the lowest bid unless it exceeds the bid of the lowest bidder by more than ten percent.

7. All such contracts for the work of construction, reconstruction, alteration, repair or improvement of any such state building, shall contain a clause that the contract shall only be deemed executory to the extent of the moneys available, and no liability shall be incurred by the state beyond the moneys available for the purpose.

§ 9. Construction emergencies. 1. A "construction emergency" is damage to or a malfunction in buildings or property of the state of New York caused by an unanticipated, sudden and unexpected occurrence which involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of a necessary public use or function, or to protect the property of the state of New York, or the life, health or safety of any person.

* 2. Notwithstanding any other provision of this law or any general or special law, where there is a construction emergency, as defined by subdivision one of this section, the commissioner of general services may, upon written notice of such construction emergency from an authorized officer of the department or agency having jurisdiction of the property, let emergency contracts for public work or the purchase of supplies, materials or equipment without complying with formal competitive bidding requirements, provided that all such contracts shall be subject to the approval of the attorney general and the comptroller and that no such contract shall exceed one million five hundred thousand dollars. Such emergency contracts shall be let only for work necessary to remedy or ameliorate a construction emergency.

* NB Effective until June 30, 2028

* 2. Notwithstanding any other provision of this law or any general or special law, where there is a construction emergency, as defined by

subdivision one of this section, the commissioner of general services may, upon written notice of such construction emergency from an authorized officer of the department or agency having jurisdiction of the property, let contracts for public work or the purchase of supplies, materials or equipment without complying with formal competitive bidding requirements, provided that all such contracts shall be subject to the approval of the attorney general and the comptroller and that no such contract shall exceed one million five hundred thousand dollars.

* NB Effective June 30, 2028

3. The office of general services shall prepare and maintain a written record of each transaction entered into, pursuant to the provisions of this section, setting forth (a) the nature of such emergency, (b) the effect thereof on public property, on the operation of government or on life, health or safety of any person, (c) a detailed description of the work to be performed and the cost of such work, (d) engineering and architectural evaluation showing the need for immediate action, and (e) the notice of construction emergency from the department or agency requesting such work. At least three oral competitive bids shall be solicited and written confirmation of each solicitation shall be furnished within a reasonable time and maintained as an official record.

* 4. Bidders for such construction emergency contracts shall be solicited from a list of bidders, which shall be regional in scope, established by the office of general services based on an invitation to contractors including certified minority and women-owned contractors to be so listed, subject to approval by the office of general services, advertised annually in the procurement opportunities newsletter published by the department of economic development, in the public notification service of the office of general services and by newspaper advertisement as provided in section eight of this article. The office of general services shall seek to provide prime contract bidding opportunities for minority and women-owned contractors in the letting of such emergency contracts. From such list of bidders, the office of general services shall solicit bidders sequentially or by rotation in such manner that the listed potential bidders shall be solicited consecutively, to the extent practicable, and thereby given fair opportunity to bid in the course of successive needs for emergency

contracts. The office of general services may remove any bidder from such lists for nonresponsibility or nonreliability. The emergency contracts let under this section in each month shall be published by the office of general services in the public notification service.

The department or agency having jurisdiction of the property shall promptly and diligently take all actions and prepare and submit the required documentation relating to the contract award for the repair and remediation of the construction emergency, as necessary to deliver to the office of the state comptroller as early as practicable prior to the thirtieth day following the commencement of the work all such documentation required for the comptroller's approval of the contract.

* NB Expires June 30, 2028

§ 10. Disposal of buildings and improvements on state lands, or on lands under lease to the state. 1. Except as provided in subdivision two of this section, whenever the head of any agency, board, division or commission, with the approval of the director of the budget, (a) shall certify to the commissioner of general services that any property on state land or on land under lease to the state and consisting of buildings with or without fixtures attached thereto, and any other improvements upon such lands, are unfit, not adapted or not needed for use by such agency, board, division or commission and (b) shall recommend for reasons to be stated, that the said property should be disposed of, the commissioner of general services shall, after causing an investigation to be made, dispose of said property by sale or demolition as will best promote the public interest. Public notice of a proposed sale where the value of the property to be sold exceeds five thousand dollars shall be given by advertising at least once in a newspaper published and having a general circulation in the county in which such lands are located and in such other newspaper or newspapers as the commissioner of general services may deem to be necessary. Such advertisement shall give a general description and location of the property and the terms of the sale and the date on which proposals for the same will be received by the commissioner of general services. Should any or all of the offers so received be deemed by the

commissioner of general services to be too low, he or she may dispose of such property so advertised at private sale within ninety days of the opening of the bids, provided that no such private sale shall be consummated at a price lower than that submitted as a result of public advertising. The commissioner of general services shall also have the power to demolish such property either by contract or, if such property is located on lands which are under the jurisdiction of the department of corrections and community supervision, the work of such demolition may be done by the incarcerated individuals of the institution where such property is located, provided however that the commissioner of corrections and community supervision shall consent to the employment of the incarcerated individuals for the work of demolition. The provisions of this subdivision shall be effective notwithstanding the provisions of any other general or special law relating to the disposal of buildings with the fixtures attached thereto or of any improvements upon lands belonging to or under lease to the state, and any such statute or parts thereof relating to such disposal of buildings, fixtures and improvements insofar as they are inconsistent with the provisions of this section are hereby superseded. A record of any such sale shall be filed with the state agency head above referred to and the proceeds of such sale or disposal shall be paid into the treasury of the state to the credit of the capital projects fund.

2. The provisions of subdivision one of this section shall not apply to any buildings or parts thereof or to any other improvements upon lands that have been or that shall hereafter be acquired by the commissioner of transportation for purposes connected with the construction, reconstruction, improvement or maintenance of a state highway or other duly authorized project or to any buildings or parts thereof or to any other improvements upon lands that have been or that shall hereafter be acquired by the trustees of the state university of New York for purposes connected with the construction, reconstruction, rehabilitation, improvement or maintenance of the facilities or installations of the state university or other duly authorized project. In any such project, the commissioner of transportation or in the case of a duly authorized project of the state university, the trustees of the state university may (a) provide in any agreement of adjustment with

the claimant who owned such buildings or improvements for the disposal of such buildings or improvements by removal, (b) provide for the demolition of such buildings or improvements, (c) permit, on such terms as he or she or such trustees, as the case may be, may deem beneficial to the state, the temporary use and occupancy of such buildings or improvements pending prosecution of actual construction work on the project, or (d) dispose of such buildings or improvements by such other arrangement as the commissioner of transportation or the trustees of the state university, as the case may be, may deem advisable. The use or occupancy of any such property pursuant to any license, lease or permit under the provisions of this section and the right of the commissioner of transportation or the trustees of the state university, as the case may be, as agent for the state, to recover possession of any such building or improvement or of the property upon which it is located shall not be subject to the emergency housing rent control law. Where it is necessary to cause the removal of an occupant of any such property, the commissioner of transportation or the trustees of the state university, as the case may be, as agent for the state, may cause such occupant to be removed therefrom and the immediate possession thereof to be delivered to him or her or to them, as the case may be, as agent of the state in the same manner and by the same proceedings in the same court or before the same judge or justice as is now or hereafter may be provided by law for the removal of a tenant holding over after the expiration of his or her term without the permission of the landlord. The proceedings shall be brought in the name of the commissioner of transportation or the trustees of the state university, as the case may be, as agent of the state, and include as part of the relief a judgment for any amounts which may be due for said occupancy. All monies received by the trustees of the state university pursuant to this section shall be paid into the state university income fund as established pursuant to subdivision four of section three hundred fifty-five of the education law.

§ 11. Pilot program of bicycle parking facilities. 1. Legislative finding. In recognition of the role which bicycles can serve as a valuable transportation mode with energy conservation, health and

environmental benefits, it is hereby declared to be the policy of the state that provision for adequate and safe bicycle facilities including the use of present facilities for safe and secure bicycle parking be included in the planning and development of all state facilities.

2. (a) The commissioner of general services shall undertake a pilot program for provision and promotion of safe and secure bicycle parking facilities at state office buildings. The commissioner, within one year of the enactment of this section, shall provide, at the principal office buildings under his superintendence at the Nelson A. Rockefeller Empire State Plaza in Albany, New York, secure bicycle parking facilities for use by employees and visitors.

(b) The commissioner is also authorized, within a reasonable period and where feasible, to provide suitable support facilities including clothing lockers, showers and changing facilities, and to charge a reasonable use fee.

(c) For the purpose of this section, the term "bicycle parking facility" means a device or enclosure, located within a building or installation, or conveniently adjacent thereto, that is easily accessible, clearly visible and so located as to minimize the danger of theft of bicycles. Such a device shall consist of a parking rack, locker, or other device constructed to enable the frame and both wheels of a bicycle to be secured with ease by use of a padlock in a manner that will minimize the risk of theft, or an enclosure which limits access to the bicycles and is under observation by an attendant.

3. In undertaking such pilot program, the office shall: (a) Consult with and cooperate with (i) the statewide bicycle advisory council, (ii) the New York state department of transportation regional bicycle coordinator, (iii) local bicycle planning groups, and (iv) persons, organizations, and groups served by, interested in, or concerned with the area under study.

(b) Request and receive from any department, division, board, bureau, commission or other agency of the state or any political subdivision thereof or any public authority, any assistance and data as may be necessary to enable the office to carry out its responsibilities under this section.

(c) On or before the first day of January, nineteen hundred eighty-nine, a report shall be submitted to the governor and the legislature which shall include a determination of usage levels, a statement outlining first year progress and the elements of a statewide plan for the provision of such facilities.

§ 17. Payments. No payments shall be made upon any work done or materials furnished for the construction, reconstruction, alteration or improvement of state buildings under the supervision of the commissioner of general services, pursuant to this article, until the bills or estimates presented for such payment shall have been duly certified by the commissioner of general services to be correct and until, thereafter the comptroller shall have audited and approved such bills and estimates. Such bills or estimates presented for final payment for such work or materials shall be certified by the commissioner of general services and have the approval of the department having jurisdiction. The comptroller shall have and is hereby given full power to pass upon all bills and estimates presented for payment for such work or materials, and for the purpose of passing upon and auditing the same, he shall have full power to make investigation thereof and to determine whether or not he shall approve and audit the same and allow the same to be paid.

§ 18. Change in contracts. Any change, addition or deduction made in any contract by reduction in price, by addition in price or otherwise must be done by an order on contract which may be issued by the commissioner of general services. This order shall specifically set forth conditions of the change or other modification and shall be approved by the board, department, commission or officer having jurisdiction. After having been approved by him the order shall be forthwith filed in the office of the state comptroller.

§ 19. Manner of doing work or acquiring material. The work of construction, reconstruction, alteration, repair or improvement of any

state building, whether constructed or to be constructed, may be done by the employment of incarcerated individuals or outside labor or both and by the purchase of materials in the open market whenever in the opinion of the department having jurisdiction over such building, and the commissioner of general services or his or her authorized representative, such a course shall be deemed advantageous to the state, and only upon plans and specifications prepared by the commissioner of general services, but no compensation shall be allowed for the employment of incarcerated individual labor except convict labor.

§ 20. Work done by special order. The commissioner of general services shall determine when minor work of construction, reconstruction, alteration or repair of any state building may be done by special order. Special orders for such work shall be short-form contracts approved by the attorney general and by the comptroller. No work shall be done by special order in an amount in excess of one hundred thousand dollars and a bond shall not be required for special orders. No work shall be done by special order unless the commissioner has presented to the comptroller evidence that he has made a diligent effort to obtain competition sufficient to protect the interests of the state prior to selecting the contractor to perform the work. Notwithstanding the provisions of subdivision two of section eight of this chapter, work done by special order under this section may be advertised solely through the regular public notification service of the office of general services. At least five days shall elapse between the first publication of such public notice and the date so specified for the public opening of bids. All payments on special orders shall be made on the certificate of the commissioner of general services and audited and approved by the state comptroller. All special orders shall contain a clause that the special order shall only be deemed executory to the extent of the moneys available and no liability shall be incurred by the state beyond the moneys available for the purpose.

§ 21. Removal, relocation and payment of costs thereof of certain water mains, sewer pipes and other facilities owned by municipalities or

public service corporations. 1. Whenever the commissioner of general services deems it necessary as a result of the construction, reconstruction or maintenance of any state project, to provide for the removal, relocation, replacement, reconstruction or repair of water mains, sewer pipes and other facilities maintained for public use and owned by any municipality or public service corporation, he shall have the power to contract with such municipality or public service corporation for such removal, relocation, replacement, or reconstruction. The expense of such removal, relocation, replacement, reconstruction or repair shall be a proper charge against funds available for the construction, reconstruction or maintenance of such state project, and the work necessary therefor may be performed by contract, or by the use of office of general services forces and equipment and of materials purchased therefor. However, if the commissioner of general services deems it to be in the public interest, he may contract with the municipality or public service corporation, upon such terms as he may deem advantageous to the state; to have such work performed (a) by the employment of the forces and for the use of the equipment of such municipality and by the use of any material on hand or necessary to be purchased by such municipality or public service corporation or (b) by such other method as such commissioner of general services shall approve or (c) by a combination of the methods provided in this section. Any municipality is hereby authorized to enter into such contract for the purposes of this section. Upon the completion and acceptance of the work, such water mains, sewer pipes and other facilities shall be maintained by the municipality or such public service corporation as the case may be.

2. In all cases in which the contracts to be let are for the purpose of removal, relocation, replacement, reconstruction or repair of water mains, sewer pipes and any other facilities owned by any municipality or public service corporation, such municipality or public service corporation shall not be required to make the preliminary deposit or to give the certified check upon submitting its proposal, nor to give any bond for the performance of the work, nor shall any advertising for proposals be necessary where such municipality or public service corporation is to perform the work.

§ 22. When appropriations are available; appropriations for two or more objects. No item of an appropriation made for the performance of such work shall be available, except for advertising or expenses incurred in the preparation of plans and specifications, engineering work or superintendence, unless one or more contracts or special orders shall first have been made for the completion of such work within the appropriation therefor. If an appropriation be made for the construction, reconstruction, alteration, repair or improvement of any state buildings in an appropriation act specifying two or more objects for which the appropriation is made and any one of such objects shall have been accomplished for a sum less than the amount specified in the act, the unexpended balance shall be applicable to any other work specified in the act.

§ 23. Completion of existing contracts. All contracts for the erection of new buildings for the state or any of its institutions or for additions, alterations or improvements to existing buildings of the state and for all work and materials in connection therewith shall be continued in force and carried to completion by the office of general services.

§ 24. Application of article to mental hygiene construction. The provisions of this article shall not apply to the department of mental hygiene or to mental hygiene facilities constructed, acquired, reconstructed, rehabilitated or improved pursuant to the health and mental hygiene facilities improvement act, or to contracts entered into by the trustees of the health and mental hygiene facilities improvement corporation or by the state housing finance agency in relation thereto, or to real property held in the name of the state for the corporate purposes of such corporation, except that the provisions of this article shall apply, so far as practicable, to such mental hygiene facilities or real property as are constructed, acquired, reconstructed, rehabilitated or improved by the commissioner of general services under an agreement

made with the trustees of the health and mental hygiene facilities improvement corporation; and except further that nothing herein contained shall be deemed to affect the power of the department of mental hygiene or the trustees of the health and mental hygiene facilities improvement corporation to enter into any short form contract in accordance with section twenty of this chapter for minor work of construction, reconstruction, alteration, or repair of any mental hygiene facility being used by the said department or under the jurisdiction of the said trustees.

ARTICLE 3

FINE ARTS AND PARTICULAR STRUCTURES

Section 40. Definitions.

41. Jurisdiction.

42. Duty of other state officers.

43. State parks.

44. Application of article.

§ 40. Definitions. As used in this article

1. The term "work of art" shall apply to and include all paintings, mural decorations, stained glass, sculptures, bas-reliefs, fountains, monuments, arches, gateways and other structures of a permanent nature intended for ornamentation or commemoration.

2. The term "building" shall apply to and include all monumental or other buildings for housing any of the state departments or commissions or intended as memorials, museums or places of public assemblage, and shall not apply to or include any buildings for institutional, hospital, penal or corrective purposes.

§ 41. Jurisdiction. 1. Hereafter no work of art shall become the property of the state by purchase, gift or otherwise, or be paid for, either wholly or in part, out of state funds, unless such work of art or

design for the same, together with a statement of the proposed location of such work of art shall first have been submitted to and approved by the office of general services; nor shall any work of art, until so approved, be erected or placed in or upon or allowed over or upon any state building, street, highway or other public place, park or ground belonging to or under control of the state. No existing work of art, belonging to or in possession of the state, shall be removed, relocated or altered in any way without the approval of the office of general services.

2. The construction of any building, bridge or its approaches, arch, gate, fence or other structure, or fixture, which is to be paid for, either wholly or in part, by state funds, or to be constructed on land owned or controlled by the state, shall not be begun unless the design for the same shall have been submitted to and approved by the office of general services.

3. No arch, bridge, approach or other structure belonging to any private individual or corporation shall be permitted to extend over or under, into or upon any street, highway, waterway or other public place, belonging to or under control of the state, unless the design and location thereof shall have been submitted to and approved by the office of general services.

4. The office of general services shall advise, generally, upon questions of art or architecture, when requested to do so, by the governor, any legislative committee, head of a state department or commission.

5. If the office of general services should fail to decide upon any matter submitted to it, within forty-five days after such submission, the office's approval of the matter shall be presumed.

§ 42. Duty of other state officers. It shall be the duty of the officer of the state, charged by law with the responsibility for the purchase, acquisition, placement, erection or execution of such work of

art, monument, building, bridge or other structure, in each case to submit the designs, drawings, models and other information as may be deemed necessary by the office of general services or the commissioner of transportation, respectively, together with explanatory statements, to such office or commissioner for its or his action.

§ 43. State parks. The requirement of approval of the office of general services or the commissioner of transportation shall not apply to works of art, buildings, bridges, arches, gates, fences or other structures under the control of the department of environmental conservation, the several park authorities and the office of parks and recreation.

§ 44. Application of article. The requirement in this article of approval of the office of general services or the commissioner of transportation shall not apply to works of art, buildings, bridges, arches, gates, fences or other structures or fixtures under the control of the department of mental hygiene or the health and mental hygiene facilities improvement corporation. Action in such cases shall be taken and final approval given by the trustees of such corporation.

ARTICLE 4-A

CONSTRUCTION OF PUBLIC BUILDINGS TO PROVIDE ACCESS AND USE BY THE PHYSICALLY HANDICAPPED

Section 50. Definitions.

51. Construction of public buildings.

52. Compliance.

53. Assistive listening systems.

§ 50. Definitions. As used in this article:

1. "Public building" means any building or portion thereof, other than a privately owned residential structure, public housing structure,

police, fire or correction structure, constructed wholly or partially with state or municipal funds, whether tax funds, funds obtained through bond issues or grants or loans under any state law, which is likely to be used by physically handicapped persons, including, but not limited to theaters, concert halls, auditoriums, museums, schools, libraries, recreation facilities, transportation terminals and stations, factories, office buildings and business establishments.

2. "State" shall mean the state of New York and any state board, bureau, commission, department, authority, division, officer or public benefit corporation.

3. "Municipality" or "Municipal" means a city, town, county, village, school district or special district as defined by section one hundred two of the real property tax law.

4. "Facilities" shall mean and include those facilities as defined in the provisions of the state building construction code relating to facilities for the physically handicapped.

5. "Physically handicapped" means

(a) impairment requiring confinement to a wheel chair; or

(b) impairment causing difficulty or insecurity in walking or climbing stairs or requiring the use of braces, crutches or other artificial supports; or impairment caused by amputation, arthritis, spastic condition or pulmonary, cardiac or other ills rendering the individual semi-ambulatory; or

(c) total or partial impairment of hearing or sight causing insecurity or likelihood of exposure to danger in public places; or

(d) impairment due to conditions of aging and incoordination.

6. "Reconstruction, rehabilitation, alteration or improvement" shall mean only that work which results in a substantial change in the structure or facilities of a public building and shall not include minor repairs necessary for ordinary maintenance.

§ 51. Construction of public buildings. 1. (a) In addition to any other requirements respecting the construction of a public building and facilities thereof, the new construction, reconstruction, rehabilitation, alteration or improvement of all such buildings and facilities shall conform to the requirements of the state building construction code relating to facilities for the physically handicapped, except work already completed, work in progress, or work for which schematic designs have been approved by the effective date of this act. This section shall not be effective if its provisions will impair the structural stability of the public building or its facilities.

* (b) This section shall not apply to the reconstruction, rehabilitation, alteration or improvement of rapid transit terminals or stations in New York city, which shall be governed by subdivision two of this section.

* 2. With respect to the reconstruction, rehabilitation, alteration or improvement of any rapid transit terminal or station of the New York city transit authority or of the Staten Island rapid transit operating authority, the obligations of such authorities for complying with the requirements of the state building construction code relating to facilities for individuals with disabilities shall be limited to its compliance with the requirements of subdivision three of section fifteen-b of the transportation law.

* NB The provisions of par (b) of sub. 1 and sub. 2 are subject to expiration on July 26, 2020 if the Metropolitan Transportation Authority does not comply with the provisions of sub. 3 of sec. 15-b of the transportation law.

§ 52. Compliance. The official, governing body or board having design approval authority for state or municipal building construction shall determine whether a proposed structure is a "public building" within the meaning of this article and shall ensure that the design of any such building complies with the requirements hereby imposed.

§ 53. Assistive listening systems. 1. All new public buildings, construction of which commences after January first, nineteen hundred

ninety-one, containing an auditorium, theater, meeting hall, hearing room, amphitheater, or room used in any similar capacity which are so designated by the appropriate building and fire code shall have equipped and installed an assistive listening system for use by persons who are deaf or hard of hearing who require the use of such a system to improve their reception of sound.

2. Standards for such systems shall be developed by the state fire prevention and building code council upon receiving recommendations from the advisory board on assistive listening systems in places of public assembly.

3. For purposes of this section, the term "assistive listening system" shall mean situational-personal acoustic communication equipment designed to improve the transmission and auditory reception of sound.

ARTICLE 4-B

HISTORIC AND CULTURAL PROPERTIES

Section 60. Public policy.

61. Definitions.

62. Survey of historic and cultural properties under state control.

63. Protection and management of state historic and cultural properties.

64. State use of suitable buildings of historic, architectural or cultural significance.

§ 60. Public policy. It is hereby declared to be the public policy of this state to provide leadership in preserving, restoring and maintaining the historic, architectural, archeological and cultural environment of this state and that therefore it is the purpose of this article to provide that the instrumentalities of the state administer the historic and cultural properties under their control in a spirit of stewardship and trusteeship for the future generations and conduct their activities, plans and programs in a manner consistent with the

preservation and enhancement of historic and cultural properties.

§ 61. Definitions. When used in this article, unless a different meaning clearly appears from the context, the terms listed below shall have the following meanings:

1. "Commissioner" means the commissioner of general services.
2. "Historic and/or cultural place or property" means any building, structure, district, area or site including underground and underwater sites, that is of significance in the history, architecture, archeology or culture of the state, its communities, or the nation.
3. "National Register" means the national register of historic places authorized by the National Historic Preservation Act of 1966.
4. "Registered property" means any historic place or property within the boundaries of the state nominated by the commissioner of parks and recreation for listing on the national register of historic places and/or listed on the state register of historic places.
5. "State agency" means any state department, officer, board, commission, agency, or a public authority or public benefit corporation at least one of whose members is appointed by the governor.
6. "State register" means the state register of historic places established pursuant to section 14.07 of article fourteen of the parks and recreation law.

§ 62. Survey of historic and cultural properties under state control. The commissioner of general services with the advice and assistance of the commissioner of parks and recreation shall prepare, maintain and publish a listing of all historic and cultural properties under its jurisdiction or control or otherwise owned or used by any state agency including those listed on the state or national register of historic

places or determined by the commissioner of parks and recreation to be eligible for the state register. The commissioner may utilize the statewide inventory of historic property prepared by the commissioner of parks and recreation for purposes of this section.

§ 63. Protection and management of state historic and cultural properties. The commissioner of the office of general services or the chief executive officer of any state agency shall:

1. Consult with the commissioner of parks and recreation as early in the planning process as may be practicable when planning to demolish, alter or transfer any property under their jurisdiction listed on the state or national register or that has been determined by the commissioner of parks and recreation to be eligible for the state register, for the purpose of exploring alternatives to demolition, alteration or transfer. The commissioner of parks and recreation shall inform the state board of such proposed actions.

2. Initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation or restoration of properties under their jurisdiction that are listed on the state or national register or are determined by the commissioner of parks and recreation to be eligible for listing on the state register.

3. Initiate measures to assure that where as a result of state action, a property listed in the state register of historic places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps of the property according to the standards of the Historic American Building Survey, and that a copy of such records then be deposited in the state archives and with the Library of Congress for future reference and use.

4. To the fullest extent practicable, secure by preservation, restriction, historic or cultural properties sold or transferred by the state, which properties are listed on the state or national register or

determined by the commissioner of parks and recreation to be eligible for listing on the state register.

5. Cooperate with purchasers and transferees of state owned properties listed on the state or national register or determined by the commissioner of parks and recreation to be eligible for listing on the state register in the development of viable plans to use such property in a manner compatible with preservation objectives.

§ 64. State use of suitable buildings of historic, architectural or cultural significance. 1. The commissioner shall prepare and maintain long range projections for the public building needs of state government. In consultation with the state commissioner of parks and recreation, the chairman of the state board for historic preservation and municipal preservation boards and commissions, the commissioner shall identify existing buildings within the state that (a) are of historic, architectural or cultural significance and (b) would be suitable, whether or not in need of repair, alteration or addition, for purchase or lease to meet the public building needs of state government.

2. The commissioner of parks and recreation shall keep on file a list of all properties which are on the state register and which the owners of such properties have indicated are available for the purchase and/or lease by state agencies, or properties which have been brought to the attention of the commissioner of parks and recreation by their owners as being available for such purposes and have been determined by the commissioner of parks and recreation to be eligible for listing on the state register.

3. As early as may be practicable in the decision making process, in addition to any other requirements of law prior to the approval of contracts or actions necessary to construct or acquire by purchase or lease for a period of one year or more building space for use by state agencies, the commissioner or chief executive officer of any state agency responsible for acquisition of space shall so notify and consult with the commissioner of parks and recreation as to the existence and

availability of historic properties listed on the state or national register or determined by the commissioner of parks and recreation to be eligible for listing on the state register and the suitability of these buildings, whether or not in need of repair, alteration or addition, to meet the public building needs of state government. The commissioner of the office of parks and recreation shall report such notifications and consultations to the state board for historic preservation. The commissioner of general services and the chief executive officer of any other state agency shall give first priority to utilization of suitable buildings of historic, architectural or cultural significance unless such space would not prove feasible, compatible with the intended operation of state business and prudent compared with available alternatives. The commissioner shall review and evaluate all timely and documented recommendations for using existing buildings of historic, architectural or cultural significance within the geographically relevant area. For purposes of this subdivision, "a geographically relevant area" means those municipalities located in the area where the particular public building need can be met.

4. The commissioner, in consultation with the commissioner of parks and recreation, may by rule and regulation identify minor acquisition or lease actions or classes of such actions which because of the small amount of space involved or other characteristics are not likely to have a significant impact upon the public policy set forth in this article and such action or actions shall be exempt from the provisions of this subdivision. The provisions of this subdivision shall not apply to the acquisition or lease of building space when the commissioner makes an explicit finding that an immediate acquisition or lease of building space is required by public necessity.

5. The commissioner in consultation with the commissioner of parks and recreation shall adopt such procedures and rules and regulations as are necessary to carry out the requirements of this section.

ARTICLE 4-C
STATE GREEN BUILDING CONSTRUCTION ACT

Section 80. Short title.

81. Definitions.

82. Applicability.

83. Agency green building construction requirements.

§ 80. Short title. This article shall be known and may be cited as the "state green building construction act".

§ 81. Definitions. As used in this article:

1. "Agency" shall mean a state department, state agency, or state public authority.

2. "Authority" shall mean the New York state energy research and development authority.

3. "Building" shall mean a building or structure that is owned by the state or by an agency.

4. "Office" shall mean the office of general services.

5. "Substantial renovation" shall mean a substantial modification of an existing building and shall include but not be limited to additions, alterations, and reconstruction as determined pursuant to regulations promulgated by the office pursuant to this article.

§ 82. Applicability. This article shall apply to the construction of new buildings and the substantial renovation of existing buildings, except that this article shall not apply in the following circumstances:

1. an existing building that has a historic status pursuant to federal, state or local law and compliance with construction requirements and procedures established pursuant to this article would alter the historic character of such building;

2. in the case of a substantial renovation, compliance with construction requirements and procedures established pursuant to this article would not be cost effective over the useful life of such renovation as determined pursuant to regulations promulgated pursuant to this article;

3. compliance with this article or with construction requirements and procedures established pursuant to this article would be inconsistent with or violate federal or state law;

4. such other circumstances as the office may reasonably determine pursuant to regulations to not be appropriate for the application of the construction requirements and procedures adopted pursuant to this article; or

5. the design or planning process for such new construction or substantial renovation has substantially commenced, as defined by the office in regulations, as of the effective date of the regulations promulgated by the office pursuant to this article; provided however, that whenever subdivision one, two, three or four applies, the construction requirements and procedures shall be integrated into the design and construction of the project to the maximum extent practicable.

§ 83. Agency green building construction requirements. 1. The construction of new buildings and the substantial renovation of existing buildings shall comply with such green construction requirements and procedures as shall have been established by the office in regulations pursuant to subdivision two of this section.

2. The office, in consultation with the authority, the department of environmental conservation, the department of health, the dormitory authority of the state of New York, the department of state, the department of education, the office of parks, recreation and historic preservation, and any other agency as determined by the office that may be affected by this article, shall promulgate rules and regulations

establishing construction requirements and procedures necessary to implement this article, including the exceptions described in section eighty-two of this article. In establishing such requirements and procedures, the office may consult green construction requirements and procedures established or adopted by other agencies, and by private organizations, including but not limited to the United States green building council under its leadership in energy and environmental design programs, the green building initiative's green globes rating system, and the American National Standards Institute.

3. For purposes of monitoring compliance with this article and this article's effectiveness, each agency shall prepare by June thirtieth of each year an annual building performance report in such form and containing such information as the office may require, which may relate to such matters as energy consumption, waste reduction, indoor air quality, water reductions and maintenance procedures and processes. Such report shall be available to the office upon request.

ARTICLE 4-D

DECARBONIZATION OF STATE-OWNED FACILITIES

Section 90. Definitions.

91. Decarbonization action plans.

§ 90. Definitions. As used in this article:

1. "Authority" shall mean the power authority of the state of New York established under title one of article five of the public authorities law.

2. "Decarbonization" and "decarbonize" means eliminating all on-site combustion of fossil-fuels and associated co-pollutants with the exception of back-up emergency generators and redundant systems needed to address public health, safety and security, providing heating and cooling through thermal energy, and thermal energy networks, from non-combustion sources, and to the greatest extent feasible producing

on-site electricity that is one hundred percent renewable.

3. "Highest-emitting facilities" means state-owned facilities that are among the highest producers of greenhouse gas emissions and collectively account for at least thirty percent of the greenhouse gas emissions as recorded by the authority's Build Smart NY program established pursuant to Executive Order 88 of 2012.

4. "Thermal energy" shall have the meaning provided in subdivision twenty-eight of section two of the public service law.

5. "Thermal energy network" shall have the same meaning as defined in subdivision twenty-nine of section two of the public service law.

6. "State energy research and development authority" shall mean the New York state energy research and development authority established under title nine of article eight of the public authorities law.

7. "State-owned facilities" or "facilities" includes "building" as defined by section eighty-one of this chapter, "dormitory" as defined by section three hundred seventy of the education law, and "facility" as defined by section three hundred seventy of the education law.

§ 91. Decarbonization action plans. 1. The authority is hereby authorized and directed to establish decarbonization action plans for fifteen of the highest-emitting facilities that will serve as a basis for decarbonizing the facilities to the maximum extent practicable, and subject to any needed redundant systems and back-up systems needed for public safety and security. Decarbonization action plans shall address the following matters at a minimum:

(a) A comprehensive accounting and analysis of all energy uses at the facilities.

(b) Greenhouse gas and other harmful emissions (e.g., NO_x, SO_x, particulate matter) resulting from the on-site and source energy usage of the facilities.

(c) Analysis of the feasibility of using thermal energy and thermal

energy networks at the facility, including any anticipated limitations on the use of thermal energy networks, along with a characterization of any such limitations, including whether they are permanent, temporary, or resolvable on a cost-effective basis.

(d) Identification and analysis of energy efficiency measures that could be designed and constructed in later decarbonization project phases.

(e) An analysis of the availability and/or feasibility of providing clean energy through electrification technologies and associated electrical upgrades to meet the facility energy needs, as demonstrated by the reduced load profiles determined to be practicable based on the energy efficiency measures identified, either through on-site generation and/or other procurement.

(f) Investigation of the resiliency and redundant capacity of the existing critical infrastructure, such as heating, cooling and backup electrical power systems.

(g) Identification of any parts of the facilities that cannot be decarbonized, with explanations.

(h) Geotechnical investigations into the on-site potential for clean energy sources, including drilling test geothermal wells as needed.

(i) Determination of the feasibility and advisability of gathering, combining, or expanding any clean energy sources or central thermal energy networks with neighboring or nearby related state facilities.

(j) Investigation of the infrastructure, planning and funding needed to electrify transportation resources regularly used to serve the facilities, such as public transit, vehicle fleets or employee/resident/student electric vehicle charging stations.

(k) An economic and feasibility analysis based upon the potential to decarbonize the facility, considering among other things the net present value of the life cycle cost of the thermal systems and other systems proposed, inclusive of the social cost of carbon, capital expenses for initial implementation and major equipment replacements, and operational expenses, including labor costs.

2. The authority shall complete the decarbonization action plans no later than January thirty-first, two thousand twenty-six, provided that such date shall be extended for justifiable delay outside the control of

the authority, including, but not limited to, previously planned or current major renovations or replacements to the facilities, delayed permitting or approval by building owners, local authorities, or other essential parties, external resource bottlenecks, pending or unresolved investigations into utility grid capacity or similar circumstances where crucial information is not yet available or determined. Such extension shall be limited to the time necessary to address the factors causing such delay.

3. The authority shall complete and submit a report, on or before January thirty-first, two thousand twenty-five, and annually thereafter, to the governor, the speaker of the assembly, and the temporary president of the senate, and shall post such report on the authority's website so that it is accessible for public review. Such report shall include, but not be limited to: (a) the progress of the decarbonization action plans; (b) any difficulties in preparing the decarbonization action plans; and (c) any anticipated delays in completing the decarbonization action plans by January thirty-first, two thousand twenty-seven.

4. The authority is authorized to allocate up to thirty million dollars to prepare the decarbonization action plans. The owner or operator of state-owned facilities shall not be responsible for reimbursing the authority for the costs the authority incurs to establish the decarbonization action plans provided for in this section, provided that the authority is authorized to obtain reimbursement of such costs from any other available funding sources, and provided further, that nothing in this subdivision is intended to limit the authority from receiving compensation for any services it provides to any owner or operator of state-owned facilities, including services related to implementation of decarbonization plans and decarbonization projects, on such terms and conditions as the parties agree.

5. The authority may ask and shall receive from the state energy research and development authority, the office of general services, the state university of New York, the dormitory authority, the department of environmental conservation, and any owners and operators of state-owned

facilities, any information or staff technical assistance necessary to carry out its powers and duties under this section.

6. The chiller. The state university of New York shall utilize up to thirty million dollars of the 2023-24 New York state urban development corporation capital appropriation for the replacement of absorption chillers in the central chiller plant of the state university of New York at Albany.

7. Any project, including any thermal energy project, that may be funded as a result of a decarbonization action plan completed pursuant to this section shall: (a) be deemed a public work project subject to article eight of the labor law; (b) require that the component parts of any geothermal systems or any other heating or cooling systems are produced or made in whole or substantial part in the United States, its territories or possessions, subject to a waiver provision similar to the one contained in subdivision two of section sixty-six-s of the public service law; (c) contain a requirement that any public owner or third party acting on behalf of a public owner enter into a project labor agreement as defined by section two hundred twenty-two of the labor law for all construction work; and (d) require the payment of prevailing wage standards consistent with article nine of the labor law for building services work. Notwithstanding any provision of law to the contrary, all rights or benefits, including terms and conditions of employment, and protection of civil service and collective bargaining status of all existing public employees and the work jurisdiction, covered job titles, and work assignments, set forth in the civil service law and collective bargaining agreements with labor organizations representing public employees shall be preserved and protected. Any such project shall not result in the: (i) displacement of any currently employed worker or loss of position (including partial displacement as such a reduction in the hours of non-overtime work, wages, or employment benefits) or result in the impairment of existing collective bargaining agreements; (ii) transfer of existing duties and functions related to maintenance and operations currently performed by existing employees of authorized entities to a contracting entity; or (iii) transfer of future duties and functions ordinarily performed by employees of authorized

entities to a contracting entity.

ARTICLE 5

PUBLIC BUILDINGS GENERALLY

Section 140. Fire and emergency protection in public buildings.

141. Display of foreign flags on public buildings.

142. Water conservation in public buildings.

143. Lighting restrictions.

144. Lactation room in public buildings.

145. Gender neutral single-occupancy bathrooms.

146. Prohibit symbols of hate.

147. Municipal officers or employees prohibited from displaying political advertisements on public property.

§ 140. Fire and emergency protection in public buildings. 1. It shall be the duty of each superintendent or chief executive officer of each of the public institutions and buildings of the state, supported wholly or partly by the funds of the state, to provide that the following regulations for the protection of the incarcerated individuals of said buildings and the buildings be complied with: There shall be provided a sufficient number of stand-pipes, with connections or outlets on each floor, and sufficient fire hose to properly protect the entire floor surface. Sufficient portable fire extinguishers shall be provided on each floor of each building to provide adequate fire protection. All fire hose shall be inspected under the direction of the engineer at least once every six months and shall be maintained at all times in proper condition. On each floor of every public building having two or more stories where the rooms are connected by an interior hallway, there shall be posted by each stairway, elevator or other means of egress, a printed scale floor plan of that particular story, which shall show all means of egress, clearly labeling those to be used in case of fire. Such posted floor plan shall clearly indicate exits which would be accessible for a person having a disability, as such term is defined in subdivision twenty-one of section two hundred ninety-two of the executive law. Such floor plan shall be posted in at least two other conspicuous areas

through the building. Said floor plan shall be no smaller than eight inches by ten inches and shall be posted in such a manner that it cannot be readily removed. Unless exit doors at floor level are provided at fire escapes suitable steps must be provided under other openings used as exits to fire escapes which are not at floor level. Painters' supplies and inflammable liquids of all kinds must not be stored in buildings occupied by wards of the state or employees. All attics and basements must be constantly kept free from rubbish or articles not necessary to the proper conduct of the institution or building, and must be regularly swept, cleaned and all broken or needless articles promptly removed.

2. Subject to regulations promulgated pursuant to this subdivision, it shall be an additional duty of each such superintendent or chief executive officer of each of the public institutions and buildings of the state to equip each such building with an automated external defibrillator. The commissioner of general services shall promulgate regulations providing for a phase-in schedule of the duty created by this section. Such regulations shall address the appropriate number of automated external defibrillators for such buildings, based on the size or occupancy of the buildings; the training of personnel and use of such automated external defibrillator; and any other matter deemed necessary by such commissioner to effectuate the duty prescribed by this section.

2-a. Subject to regulations promulgated pursuant to this subdivision, it shall be an additional duty of each such superintendent or chief executive officer of each of the public institutions and buildings of the state to equip each such building with opioid antagonists. The commissioner of general services shall promulgate regulations, in coordination with the commissioner of health and in full accordance with the standards, powers and authorizations of section thirty-three hundred nine of the public health law, providing for a phase-in schedule of the duty created by this subdivision. Such regulations shall address the appropriate number of opioid antagonists for such buildings, based on the size or occupancy of the buildings; the training of personnel and use of such opioid antagonists; and any other matter deemed necessary by such commissioner to effectuate the duty prescribed by this section.

3. The moneys necessary to carry out the provisions of this section shall be supplied from the moneys annually appropriated for the maintenance of the above described institutions.

§ 141. Display of foreign flags on public buildings. It shall not be lawful to display the flag or emblem of any foreign country upon any state, county or municipal building; provided, however, that whenever any foreigner shall become the guest of the United States, the state or any city, upon public proclamation by the governor or mayor of such city, the flag of the country of which such public guest shall be a citizen may be displayed upon such public buildings.

§ 142. Water conservation in public buildings. The commissioner of general services shall establish a water conservation program for all state owned public buildings except for academic buildings, dormitories and other facilities of the state university system. Such program shall include a survey of water use and conservation in such buildings.

§ 143. Lighting restrictions. 1. Definitions. As used in this section:

a. "Direct light" means light emitted by a fixture from the lamp, from a reflector, or through a refractor.

b. "Facade lighting" means permanent outdoor fixtures that are specifically intended to illuminate the exterior surfaces of buildings or structures.

c. "Fully shielded fixture" means a fixture that allows no direct light from the fixture above a horizontal plane through the fixture's lowest light-emitting part, in its mounted position.

d. "Fixture lumens" means total lumens emitted by a fixture.

e. "Glare" means light emitted by a fixture that causes discomfort or reduced visibility.

f. "Illuminance" means the luminous power incident per unit area of a surface.

g. "Lamp" means a light bulb or other component of a fixture that changes electricity into visible light.

h. "Light trespass" means light that falls beyond the property it is intended to illuminate.

i. "Lumen" means a standard unit of measurement of the quantity of light emitted from a lamp.

j. "Fixture" means a complete lighting unit, including a lamp together with the parts designed to distribute the light, to position and protect the lamp and to connect the lamp to the power supply.

k. "Ornamental roadway lighting" means a roadway lighting fixture that serves a decorative function in addition to a roadway lighting function, having an historical period appearance or decorative appearance.

l. "Parking-lot lighting" means permanent outdoor fixtures specifically intended to illuminate uncovered vehicle parking areas.

m. "Permanent outdoor fixture" means a fixture for use in an exterior environment installed with mounting not intended for relocation.

n. "Roadway lighting" means permanent outdoor fixtures specifically intended to illuminate public roadways.

o. "Sky glow" means a condition caused by light directed upwards or sideways reducing one's ability to view the night sky.

p. "State agency" means any state department, office, board, commission, agency, or a public authority or public benefit corporation

at least one of whose members is appointed by the governor.

2. No state agency operating in the state shall install or cause to be installed any new or replacement permanent outdoor fixture unless the following conditions are met:

a. In the case of roadway lighting or parking-lot lighting; whether mounted to poles, buildings or other structures, the fixture is fully shielded.

b. In the case of building-mounted fixtures not specifically intended for roadway lighting, parking-lot lighting, or facade lighting, the fixture is fully shielded when its initial fixture lumens is greater than three thousand lumens.

c. In the case of facade lighting, the fixture is shielded to reduce glare, sky glow, and light trespass to the greatest extent possible.

d. In the case of ornamental roadway lighting fixtures, the fixture allows no more than seven hundred lumens from the fixture above a horizontal plane through the fixture's lowest light emitting part.

e. For illumination by new permanent outdoor fixtures for applications described in paragraph a, b, c or d of this subdivision, only illuminance levels that are no greater than those required for the intended purpose may be used, as established by the commissioner of the office of general services in consultation with the department of transportation and the New York State Energy Research and Development Authority, and given due consideration to lighting industry standards and practices.

f. In the case of roadway lighting unassociated with intersections of two or more streets or highways, the department of transportation has determined that the purpose of the lighting installation or replacement cannot be achieved by installation of reflectorized roadway markers, lines, warnings or informational signs, or other passive means.

3. This section shall not apply:

a. if a federal law, rule or regulation preempts state law;

b. if the outdoor lighting fixture is used temporarily by emergency personnel requiring additional illumination for emergency procedures or temporarily used by repair personnel for road repair;

c. to navigational lighting systems and other lighting necessary for aviation and nautical safety;

d. to lighting for athletic playing areas; provided, however, that all such lighting shall be selected and installed to shield the lamp or lamps from direct view and to minimize upward lighting and glare to the greatest extent possible;

e. if the state agency determines a safety or security need exists that cannot be addressed by any other method;

f. to the replacement of a previously installed permanent outdoor fixture that is destroyed, damaged or inoperative, has experienced electrical failure due to failed components, or requires standard maintenance;

g. to lighting intended for tunnels and roadway underpasses; or

h. if the combined cost of acquiring and operating a fixture complying with paragraphs a, b and c of this subdivision is more than fifteen percent greater than the cost of acquiring and operating comparable non-compliant fixtures over the life of the lighting system and if a written determination with findings has been made that no compliant fixture exists that would meet the cost limitation.

4. The office of general services, in consultation with the department of transportation and the New York state energy research and development authority, and given due consideration to lighting industry standards and practices, shall establish rules and regulations to implement the

provisions of this section.

§ 144. Lactation room in public buildings. 1. As used in this section:

(a) "covered public building" means a public building owned by the state of New York, under the supervision and control of the commissioner of general services, that is determined by said commissioner to be open to the public; and

(b) "lactation room" means a hygienic place, other than a bathroom, that:

(1) is shielded from view;

(2) is free from intrusion;

(3) contains a chair, a working surface, and, if the public building is otherwise supplied with electricity, an electrical outlet; and

(4) is intended to be used for the primary purpose of breastfeeding or expressing breast milk.

2. A covered public building shall contain a lactation room that is made available for use by a member of the public to breastfeed or express breast milk.

3. A covered public building shall be excluded from the requirement of subdivision two of this section if:

(a) the public building does not have a room that could be repurposed as a lactation room or a space that could be made private, at a reasonable cost; or

(b) new construction would be required to create a lactation room in the public building and the cost of such construction is unfeasible.

4. Nothing in this section shall be construed to authorize an individual to enter a public building that the individual is not otherwise authorized to enter.

§ 145. Gender neutral single-occupancy bathrooms. 1. As used in this section:

(a) "state agency" means any state department, office, board, bureau,

commission, agency, or any public authority or public benefit corporation at least one of whose members is appointed by the governor.

(b) "state-owned building" means any building owned by a state agency used for official state business.

(c) "state-leased building" means any building or portion of any building leased by a state agency for office or residential occupancy.

(d) "single-occupancy bathroom" means a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy and security.

2. Each state agency shall ensure that all single-occupancy bathrooms under its jurisdiction be designated as gender neutral in state-owned buildings and, where practicable, in state-leased buildings.

§ 146. Prohibit symbols of hate. 1. The state of New York shall not sell or display any symbols of hate or any similar image, or tangible personal property, inscribed with such an image unless the image appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose.

2. For the purposes of this section, the term "symbols of hate" shall include, but not be limited to, symbols of white supremacy, neo-Nazi ideology or the Battle Flag of the Confederacy.

§ 147. Municipal officers or employees prohibited from displaying political advertisements on public property. 1. For purposes of this section, the following terms shall have the following meanings:

(a) "Municipal officer or employee" shall have the same meaning as defined pursuant to section eight hundred of the general municipal law, except that it shall also include members of any volunteer fire department which is part of such municipality.

(b) "Political advertisement" shall mean any poster, sign, flag, banner, picture, sticker, patch, bumper sticker, article of clothing, accessory or any other item meant to advertise or promote a certain

individual for political office.

2. A municipal officer or employee, whether paid or unpaid, shall be prohibited from displaying or causing to be displayed any political advertisement on or within any public building occupied in the discharge of official duties by an individual employed or holding office in the government of the municipality by which such officer or employee is employed or any agency or instrumentality thereof, or on any public flag pole, monument, sign or any other permanent structure, as well as any other location specified pursuant to section ninety-nine-z of the general municipal law that such municipal officer or employee interacts with as part of their official capacity.

3. This section shall not apply when such a political advertisement appears in a book, digital medium, museum, or otherwise serves an educational or historical purpose, or in instances where the certain individual who is the subject of such political advertisement is deceased.

ARTICLE 6

LAWS REPEALED; WHEN TO TAKE EFFECT

Section 150. Laws repealed.

151. When to take effect.

152. Chapter inapplicable to state university construction.

§ 150. Laws repealed. Of the laws enumerated in the schedule hereto annexed, that portion specified in the last column is hereby repealed.

§ 151. When to take effect. This chapter shall take effect immediately.

§ 152. Chapter inapplicable to state university construction. The provisions of this chapter shall not apply to academic buildings,

dormitories and other facilities constructed, acquired, reconstructed, rehabilitated or improved for the use of the state university of New York or any state-operated institution or statutory or contract college under the jurisdiction thereof or for the use of the students, faculty and staff of the state university or any such state-operated institution or statutory or contract college under the jurisdiction thereof, and their families, or to contracts entered into by the state university construction fund or the state university trustees pursuant to article eight-a of the education law or to real property held in the name of the state for purposes of the state university of New York or a state-operated institution or statutory or contract college under the jurisdiction thereof; provided, however, that nothing herein contained shall be deemed to affect the power of any officer, department, board, commission, bureau, division, public benefit corporation, agency or instrumentality of the state from constructing, acquiring, reconstructing, rehabilitating or improving such facilities in accordance with the provisions of article eight-a of the education law if duly authorized by law; and provided further that nothing herein contained shall be deemed to affect the power of the state university trustees to enter into any short form contract for minor work of construction, reconstruction, alteration, or repair of any such facilities operated under the jurisdiction of such trustees in accordance with the provisions of section twenty of this chapter.