

4214

2013-2014 Regular Sessions

I N S E N A T E

March 14, 2013

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation

AN ACT in relation to establishing the Clean and Green Energy Corps

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Clean and Green Energy Corps act".
3 S 2. Definitions. The following words and phrases when used in this
4 act shall have the meanings given to them in this section.
5 1. "Corps" means the Clean and Green Energy Corps.
6 2. "Corps member" means a participant in the Clean and Green Energy
7 Corps who meets the established criteria set forth under section six of
8 this act.
9 3. "Crew leader" means a participant in the Clean and Green Energy
10 Corps who meets the established criteria set forth under section eight
11 of this act.
12 4. "Department" means the New York state department of environmental
13 conservation.
14 5. "Project" means any weatherization or energy efficiency project
15 carried out by the Clean and Green Energy Corps.
16 6. "Commissioner" means the commissioner of the New York state depart-
17 ment of environmental conservation.
18 7. "Director" means the director of the corps.
19 S 3. Establishment. There is hereby established in the department the
20 Clean and Green Energy Corps.
21 S 4. Duties of commissioner. The commissioner shall:
22 1. Within 90 days after this act shall have become law, develop rules
23 and regulations pertaining to the Clean and Green Energy Corps.
24 2. Appoint a director who shall act as the administrative officer of
25 the corps. The director shall employ the necessary staff and aid in
26 developing projects that meet the requirements of this act.

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

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1 3. Enroll eligible participants who meet the criteria established
2 under section six of this act as corps members.

3 4. Employ crew leaders who meet the criteria established under section
4 eight of this act.

5 5. Review proposed projects.

6 6. Ensure that each corps member and crew leader receives the proper
7 training.

8 7. Apply for and accept grants or contributions of funds from any
9 public or private source.

10 8. Execute contracts with state and local agencies containing any
11 terms and conditions deemed necessary and desirable for the enrollment
12 of corps members in approved projects. In the case of corps member
13 development and training, execute contracts or cooperative agreements
14 with federal agencies, state agencies, local agencies, persons, firms,
15 partnerships, associations or corporations for the provision of these
16 services.

17 9. Purchase, rent or otherwise acquire the appropriate tools,
18 supplies, instruments, equipment or conveniences needed to complete
19 corps member training and projects.

20 10. Authorize the exchange of corps members and crew leaders with
21 other similar service programs in order to advance the goals of volun-
22 teerism and service. Participation in exchange programs by corps
23 members and crew leaders shall be voluntary.

24 11. Develop additional program guidelines or regulations as the secre-
25 tary deems necessary to carry out the provisions of this act.

26 S 5. Work experience projects.

27 1. The purpose of all work projects shall be to:

28 a. promote energy independence through efforts that decrease energy
29 consumption;

30 b. employ corps members in weatherization and energy efficiency
31 projects for low-income households;

32 c. accomplish meaningful and productive project improvements relating
33 to energy efficiency;

34 d. provide development, training and practical work experience for
35 young individuals in important career fields relating to energy effi-
36 ciency; and

37 e. provide young adults with experience in preparation for permanent
38 employment.

39 2. Duration of program. The program shall operate year-round.

40 3. Training. Crewmembers and crew leaders shall engage in job training
41 deemed appropriate by the director of the corps in consultation with the
42 department.

43 4. Project types. The projects shall consist of residential building
44 shell improvement measures and other projects that may involve, but are
45 not limited to, installation of attic and wall insulation, air infil-
46 tration reduction, window replacement and other projects as approved by
47 the department.

48 5. Project selection. Members of low-income households may apply to
49 the corps to have a residential building considered for an energy effi-
50 ciency project. The director, in consultation with the department, shall
51 create additional standards for project selection. If the corps does not
52 receive a sufficient number of applications, the director shall seek out
53 additional low-income household residential buildings that can be
54 submitted for project application. All such project proposals must still
55 conform to the standards set by the corps and department for project
56 application and selection.

6. Standards. Work sites of projects shall conform to appropriate health and safety standards.

7. Project restrictions. Projects shall not include the removal or cleanup of any toxic waste or other hazardous substance.

S 6. Eligibility for program.

1. Criteria. All corps members shall be individuals who are at the time of admission into the program, at least 18 years of age and under 26 years of age, with the following exceptions:

a. an individual 16 years of age may participate if enrolled in an approved board of cooperative educational services (BOCES) program with the individual's high school.

b. an individual 17 years of age may participate if the individual:

(1) is enrolled in an approved BOCES program with the individual's high school;

(2) has graduated from high school; or

(3) is able to provide assurance that the applicant did not withdraw from school for the purpose of participating in the program.

2. Determination. Eligibility of corps members shall be determined by the commissioner who shall refer eligible participants to the department. The department shall develop standards for classifying applicants into various levels of eligibility based on the degree to which an applicant is economically disadvantaged in accordance with applicant local labor supply. The department shall seek referrals from schools, local agencies, community-based agencies and other youth and human service organizations for purposes of enrolling applicants in corps programs. The department shall refer applicants by order of classification, giving first priority to applicants between 18 and 21 years of age whose eligibility is based on financial status as required by joint or separate employment programs of the federal and state government.

3. Hiring preference. Preference in hiring shall be given to economically disadvantaged young people, especially those eligible applicants who receive general assistance or other public assistance benefits.

S 7. Terms of Enrollment.

1. Term of enrollment. Corps members shall be enrolled in the corps for a one-year period. Upon successful completion of the program, the corps may have the option of enrolling the participant for up to an additional two six-month terms. The department shall refer the names of corps members who have successfully completed their service to the corps to the New York state department of labor for assistance in securing private sector employment. The department may also provide the names of corps members who have successfully completed their service to agencies or private sector employers requesting referrals after obtaining the permission of the participant.

2. Work hours. Corps members shall not be scheduled to work for more than forty hours per week.

S 8. Supervisors.

1. Employment. The corps shall employ and provide compensation for project supervisors, referred to as crew leaders.

2. Assignment. Crew leaders shall be assigned to oversee various projects and act as the site coordinators.

3. Criteria for crew leaders. Persons eligible to be hired as crew leaders by the department shall be individuals who are:

a. 18 years of age or older; and

b. not attending a postsecondary institution under full-time status at the time of the employment; and

1 c. can provide assurance that the applicant did not leave school for
2 the purpose of employment with the corps.

3 4. Training. Crew leaders shall participate in rigorous training
4 programs to ensure the necessary level of skill and knowledge needed to
5 supervise and lead the projects. Such training standards shall be devel-
6 oped by the director of the corps in consultation with the department.

7 S 9. Volunteers. The commissioner is authorized to recruit, train and
8 accept the services of individuals to assist, without compensation, in
9 carrying out the functions of the corps.

10 S 10. Prohibited activities. The commissioner, in administering this
11 act, shall ensure that:

12 1. In employment practices, no individual will be discriminated
13 against due to, but not limited to, the individual's race, color, sex,
14 sexual orientation, gender identity or expression, religion, national
15 origin, weight or non-job-related handicap or disability.

16 2. No person shall receive any payment in exchange for providing a
17 recommendation for a potential corps member.

18 S 11. Annual report. Annually, the commissioner shall report to the
19 temporary president and minority leader of the senate and the speaker of
20 the assembly and the minority leader of the assembly on the preceding
21 fiscal year's impact of the program. The report shall include, but not
22 be limited to information pertaining to:

23 1. the number of corps members enrolled;

24 2. the average length of enrollment of corps members;

25 3. the extent of job training provided to corps members;

26 4. the completion rate for projects undertaken through the program;

27 5. the progress made by corps members after completion of the program,
28 which may include gained employment or participation in additional
29 educational opportunities;

30 6. productivity, measured by the type of project funded;

31 7. the amount of money spent on and the estimated total value of
32 completed projects;

33 8. the estimated amount of money that will be saved annually due to
34 each completed project;

35 9. the amount of appropriated funds spent on program administration;
36 and

37 10. the number of projects in progress.

38 S 12. This act shall take effect on the one hundred eightieth day
39 after it shall have become a law.