

STATE OF NEW YORK

1242

2021-2022 Regular Sessions

IN SENATE

January 8, 2021

Introduced by Sen. MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the labor law, in relation to enacting the "New York 21st century civilian conservation corps act" as a means of providing gainful employment to unemployed and underemployed residents of the state; and making an appropriation therefor

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The labor law is amended by adding a new article 34 to read
2 as follows:

ARTICLE 34

NEW YORK 21ST CENTURY CIVILIAN CONSERVATION CORPS ACT

Section 960. Short title.

961. Establishment and operation of civilian conservation corps.

962. Administration of civilian conservation corps.

963. Project submission and approval.

§ 960. Short title. This article shall be known and may be cited as the "New York 21st century civilian conservation corps act".

§ 961. Establishment and operation of civilian conservation corps. 1. Establishment and purpose. In order to relieve the acute condition of widespread distress and unemployment existing in the state of New York and to provide for the restoration of depleted natural resources in the state and the advancement of an orderly program of useful public works, the commissioner, in consultation with the office of parks, recreation and historic preservation, the department of environmental conservation, the department of agriculture and markets, and the canal corporation, may establish and operate a civilian conservation corps to employ residents of the state, who are otherwise unemployed or underemployed, in the construction, maintenance, and carrying on of works of a public nature in connection with:

(a) the forestation of lands belonging to the state;

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

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1 (b) the prevention of forest fires, floods, and soil erosion;
2 (c) plant pest and disease control;
3 (d) the construction, maintenance, or repair of paths, trails, and
4 fire-lanes in the state park system, public lands, and other lands under
5 the jurisdiction of the state;

6 (e) urban forestry and greening, including tree planting, gardening
7 projects, and water management projects in urban areas; and

8 (f) such other work on state land, lands administered or owned by
9 municipalities of the state and private or federal land where such works
10 are deemed to be in the interest of the public, that the commissioner
11 determines to be desirable.

12 2. Role of state agencies. To operate the civilian conservation corps,
13 the commissioner, in consultation with the office of parks, recreation
14 and historic preservation, the department of environmental conservation,
15 the department of agriculture and markets, and the canal corporation,
16 may utilize the services of existing state departments and agencies.

17 3. Inclusion of other lands. The commissioner may extend the activ-
18 ities of the civilian conservation corps to lands owned by a political
19 subdivision of a state and lands in private ownership, but only for the
20 purpose of conducting such kinds of cooperation work as are otherwise
21 authorized by law in preventing and controlling forest fires and the
22 attacks of forest tree pests and diseases and such work as is necessary
23 and in the public interest to control floods.

24 4. Contract authority. For the purpose of carrying out this act, the
25 commissioner may enter into such contracts or agreements with states as
26 may be necessary, including provisions for utilization of existing state
27 administrative agencies.

28 5. Acquisition of real property. The commissioner, or the head of any
29 department or agency authorized by the commissioner to construct any
30 project or to carry on any public works under this act, may acquire real
31 property for such project or public work by purchase, donation, condem-
32 nation, or otherwise.

33 6. Training program. The commissioner, in consultation with the office
34 of parks, recreation and historic preservation, the department of envi-
35 ronmental conservation, the department of agriculture and markets, and
36 the canal corporation, and in cooperation with the SUNY college of envi-
37 ronmental science and forestry, shall develop and administer a training
38 program to provide members of the corps with the skills, training and
39 education necessary to implement the provisions of this act.

40 7. Coordination with not-for-profit corporations. In carrying out the
41 provisions of this act, the civilian conservation corps may work in
42 association and coordinate projects with not-for-profit corporations
43 which are similarly situated in their mission and purpose.

44 § 962. Administration of civilian conservation corps. 1. Employment
45 preference. Persons employed in the civilian conservation corps shall be
46 residents of the state of New York. The employment in the civilian
47 conservation corps shall require the employment of persons residing in
48 underrepresented communities. If the commissioner determines that
49 amounts appropriated to carry out a civilian conservation corps under
50 this act for a fiscal year will be insufficient to employ all of the
51 residents of the state described in section nine hundred sixty-one of
52 this act who are seeking or likely to seek employment in the civilian
53 conservation corps and continue the employment of current employees who
54 desire to remain in the civilian conservation corps, the commissioner
55 shall employ additional persons in the civilian conservation corps in
56 the following order of preference:

1 (a) Unemployed veterans of the armed forces and unemployed members of
2 the reserve components of the armed forces.

3 (b) Unemployed residents who have exhausted their entitlement to unem-
4 ployment compensation.

5 (c) Unemployed residents, who immediately before employment in the
6 civilian conservation corps, are eligible for unemployment compensation
7 payable under any state law or federal unemployment compensation law,
8 including any additional compensation or extended compensation under
9 such laws.

10 (d) Other residents described in section nine hundred sixty-one of
11 this act.

12 2. Housing and care of employees. The commissioner may provide housing
13 for persons employed in the civilian conservation corps and furnish them
14 with such subsistence, clothing, medical attendance and hospitalization,
15 and cash allowance, as may be necessary, during the period they are so
16 employed.

17 3. Transportation. The commissioner may provide for the transportation
18 of persons employed in the civilian conservation corps to and from the
19 places of employment.

20 4. Non-discrimination. In employing residents for the civilian conser-
21 vation corps, no discrimination shall occur in accordance with state and
22 federal employment law; except that no individual under conviction for
23 crime and serving sentence therefore shall be employed under the
24 provisions of this act.

25 § 963. Project submission and approval. 1. Receipt and selection of
26 projects. The civilian conservation corps shall:

27 (a) receive project proposals submitted by state departments and agen-
28 cies pursuant to paragraph (a) of subdivision two of this section; and

29 (b) select project proposals that meet the criteria pursuant to para-
30 graph (b) of subdivision two of this section.

31 2. Submission of project proposals. (a) Not later than thirty days
32 after the effective date of this article, and subsequently at such times
33 as the civilian conservation corps shall request, the commissioner, in
34 consultation with the office of parks, recreation and historic preserva-
35 tion, the department of environmental conservation, the department of
36 agriculture and markets, and the canal corporation shall submit
37 proposals to the corps for projects within the jurisdiction of each such
38 commissioner or other administrator that satisfy the criteria described
39 in paragraph (b) of this subdivision.

40 (b) Any project to be considered for the civilian conservation corps
41 shall meet the following criteria:

42 (i) the project shall produce a higher number of employee hours for
43 corps members;

44 (ii) the project is within the scope of training programs already
45 available to or that can be made readily available to corps members; and

46 (iii) the project would provide a continuing contribution to economic
47 growth, environmental health, flood and fire prevention, or sustainabil-
48 ity once it has been completed.

49 3. Nature of projects. Projects under this section shall include those
50 projects set forth in subdivision one of section nine hundred sixty-one
51 of this act.

52 4. Approval of projects. The civilian conservation corps shall approve
53 those proposals which are submitted pursuant to and meet the criteria
54 set forth in subdivision two of this section and shall provide funding
55 for such projects from amounts appropriated for the program.

1 5. Responsibility for projects. An eligible department that has
2 submitted a project proposal pursuant to paragraph (a) of subdivision
3 two of this section shall be responsible for the administration and
4 completion of such project.

5 6. Contracts. An eligible department shall be a party to any contract
6 that governs a project approved and funded in any manner under this
7 section. Departments may contract with private corporations having tax
8 exempt status under section 501 (c) (3) of the United States Internal
9 Revenue Code and privately held businesses for part or all of an
10 approved project subject to the approval of the program.

11 7. Reports. Not later than six months after the effective date of this
12 section, and biannually thereafter on June thirtieth and December thir-
13 ty-first of each year, the civilian conservation corps shall submit a
14 report to the legislature which includes:

15 (a) the number of project proposals submitted to the civilian conser-
16 vation corps;

17 (b) the number of projects approved by the program during the report-
18 ing period;

19 (c) the number of projects completed by the date of the report; and

20 (d) with respect to each approved project, a project description that
21 includes information about whether the project is complete and such
22 other information as the civilian conservation corps determines appro-
23 priate.

24 8. Audits. The office of the comptroller shall conduct an annual audit
25 of:

26 (a) the performance and activities of the civilian conservation corps;

27 (b) the performance and completion of projects; and

28 (c) the performance of the eligible agencies with respect to such
29 projects.

30 § 2. The sum of forty million dollars (\$40,000,000), or so much there-
31 of as may be necessary, is hereby appropriated to the department of
32 labor out of any moneys in the state treasury in the general fund to the
33 credit of the state purposes account, not otherwise appropriated, and
34 made immediately available, for the purpose of carrying out the
35 provisions of article 34 of the labor law, as added by section one of
36 this act. Such moneys shall be payable on the audit and warrant of the
37 comptroller on vouchers certified or approved by the commissioner of
38 labor in the manner prescribed by law.

39 § 3. This act shall take effect on the ninetieth day after it shall
40 have become a law.