S T A T E O F N E W Y O R K

5464

2009-2010 Regular Sessions

I N S E N A T E

May 8, 2009

Introduced by Sens. ONORATO, BRESLIN, ADDABBO, DIAZ, DILAN, FOLEY, HASSELL-THOMPSON, HUNTLEY, KRUEGER, MONTGOMERY, OPPENHEIMER, PERKINS, SAMPSON, SAVINO, STAVISKY, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the state finance law, in relation to requiring certain information to be provided to the legislature prior to appropriating money to state entities for certain projects

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

Section 1. Section 136 of the state finance law, as amended by chapter 413 of the laws of 1989, is amended to read as follows:

S 136. Contracts in pursuance of appropriations. 1. A contract or contracts made in pursuance of an appropriation by the state for a specific object shall be for the completion of the work contemplated by the appropriation, and in the aggregate shall not exceed the amount of such appropriation. A contract for a part of such work shall not be binding upon the state until contracts are also made covering the entire work contemplated by such appropriation, except that, (a) upon certification by the agency having jurisdiction to the state comptroller that sufficient appropriations remain for completion of the entire work contemplated, preliminary work such as site preparation and infrastructure work may be commenced for a project where the timeliness thereof is of the essence and the director of the budget certifies to such need and to the availability of appropriations, and except (b) where it is expressly provided by such appropriation that a part of the work may be done by day's labor.

2. PRIOR TO AN APPROPRIATION BY THE STATE FOR ANY FINANCIAL ASSISTANCE BY A STATE AGENCY, PUBLIC AUTHORITY OR CORPORATION, OR ANY OTHER STATE ENTITY FOR AN ECONOMIC DEVELOPMENT PROJECT, SUCH ENTITY SHALL PROVIDE THE LEGISLATURE WITH INFORMATION REGARDING THE PLAN BY THE RECIPIENT OF SUCH FINANCIAL ASSISTANCE TO HIRE LOCAL CONSTRUCTION WORKERS FOR THE

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

LBD11274-04-9

PROJECT. SUCH INFORMATION SHALL STATE WHETHER THE RECIPIENT HAS MET WITH ANY LOCAL LABOR ORGANIZATION AND ENTERED INTO ANY WRITTEN AGREEMENT CONCERNING A PLAN TO HIRE LOCAL CONSTRUCTION WORKERS FOR THE PROJECT, THE TYPES OF CONSTRUCTION SKILLS NEEDED FOR SUCH PROJECT, EFFORTS BY THE STATE ENTITY OR RECIPIENT TO IDENTIFY SKILLED CONSTRUCTION WORKERS NEEDED FOR THE PROJECT THROUGH THE DEPARTMENT OF LABOR AND WHETHER PREVAILING WAGES WILL BE PAID FOR ALL OF THE CONSTRUCTION WORK. THE DEPARTMENT OF LABOR SHALL ASSIST THE STATE ENTITY AND THE RECIPIENT IN DETERMINING THE AVAILABILITY OF SKILLED WORKERS NEEDED FOR THE CONSTRUCTION WORK. Except as provided in section thirty-eight of the highway law, every such contract shall be accompanied by a bond for the completion of the work, specified in the contract, within the amount stipulated therein, which bond shall be filed in the office of the state comptroller.

3. FOR THE PURPOSE OF THIS SECTION:

(A) "FINANCIAL ASSISTANCE" SHALL MEAN THE PROCEEDS OF BONDS, GRANTS, LOANS, TAX ABATEMENTS, TAX EXEMPTIONS, TAX CREDITS, TAX INCREMENT FINANCING OR REAL PROPERTY; AND

(B) "ECONOMIC DEVELOPMENT PROJECT" SHALL MEAN ANY PROJECT RELATED TO A PUBLIC USE, BENEFIT OR PURPOSE, OR ANY PURPOSE RELATED PRIMARILY TO ECONOMIC DEVELOPMENT, FOR WHICH ANY STATE ENTITY IS AUTHORIZED TO PROVIDE GRANTS, TAX CREDITS, OR FINANCIAL ASSISTANCE.

S 2. This act shall take effect immediately.