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

104

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. MONTESANO, SALADINO, FINCH -- read once and referred to the Committee on Labor

AN ACT to amend the labor law and the state finance law, in relation to apprenticeship training and to repeal article 23 of the labor law relating thereto

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

Section 1. Article 23 of the labor law is REPEALED and a new article 23 is added to read as follows:

ARTICLE 23

APPRENTICESHIP TRAINING

SECTION 810. STATEMENT OF PUBLIC POLICY.
811. DEFINITIONS.
812. ELIGIBILITY AND PROCEDURE FOR REGISTRATION.
813. STANDARDS FOR APPRENTICESHIP PROGRAMS.
814. STANDARDS FOR APPRENTICESHIP AGREEMENTS.
815. RELATED AND SUPPLEMENTAL INSTRUCTION.
816. POWERS AND DUTIES OF THE COMMISSIONER.
817. STATE APPRENTICESHIP AND TRAINING COUNCIL.
818. DEREGISTRATION PROCEEDINGS.
819. COMPLAINTS.
819-A. RECORDS AND REPORTS.
819-B. APPRENTICESHIP ASSISTANCE IN ALL POLITICAL SUBDIVISIONS OF THE STATE.
819-C. SEPARABILITY.

S 810. STATEMENT OF PUBLIC POLICY. SKILLED MANPOWER CONSTITUTES A GREAT RESOURCE IN THIS STATE. APPRENTICESHIP PROGRAMS, THROUGH SUPERVISED TRAINING AND EDUCATION, DEVELOP SKILLED CRAFTSMEN AND HELP MEET THE INCREASING NEEDS FOR SUCH WORKERS IN THE STATE'S LABOR FORCE. THE CONTINUING DEVELOPMENT OF SKILLED MANPOWER IS ESSENTIAL FOR INDIVIDUAL

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

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SELF-REALIZATION AND FOR AN EXPANDING INDUSTRIAL ECONOMY. TO THESE ENDS, IT IS THE DECLARED PUBLIC POLICY OF THE STATE OF NEW YORK TO DEVELOP SOUND APPRENTICESHIP TRAINING STANDARDS AND TO ENCOURAGE INDUSTRY AND LABOR TO INSTITUTE AND MAINTAIN TRAINING PROGRAMS OF THE HIGHEST POSSIBLE QUALITY IN ALL ASPECTS OF ON-THE-JOB TRAINING AND RELATED INSTRUCTION AND THAT APPRENTICESHIP TRAINING PROGRAMS PROVIDE MEANINGFUL EMPLOYMENT AND RELEVANT TRAINING FOR APPRENTICES.

S 811. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "COMMISSIONER" MEANS THE COMMISSIONER OF LABOR OF THE STATE OF NEW YORK OR HIS OR HER DULY AUTHORIZED REPRESENTATIVE.

2. "APPRENTICESHIP PROGRAM" OR "PROGRAM" MEANS A WRITTEN PLAN CONDUCTED OR SPONSORED BY AN EMPLOYER, A GROUP OF EMPLOYERS, OR A JOINT APPRENTICESHIP COMMITTEE REPRESENTING BOTH EMPLOYERS AND A UNION, AND WHICH CONTAINS ALL TERMS AND CONDITIONS FOR THE QUALIFICATION, RECRUITMENT, SELECTION, EMPLOYMENT, AND TRAINING OF APPRENTICES, INCLUDING SUCH MATTERS AS THE REQUIREMENT FOR A WRITTEN APPRENTICESHIP AGREEMENT.

3. "APPRENTICESHIP AGREEMENT" OR "AGREEMENT" MEANS A WRITTEN AGREEMENT BETWEEN A SPONSOR AND AN APPRENTICE WHICH CONTAINS THE TERMS AND CONDITIONS OF THE EMPLOYMENT AND TRAINING OF THE APPRENTICE.

4. "APPRENTICEABLE OCCUPATION" IS A SKILLED TRADE WHICH POSSESSES ALL OF THE FOLLOWING CHARACTERISTICS: (A) IS CUSTOMARILY LEARNED IN A PRACTICAL WAY THROUGH TRAINING AND WORK ON THE JOB; (B) IS, IN THE JUDGMENT OF THE COMMISSIONER, CLEARLY IDENTIFIED AND COMMONLY RECOGNIZED THROUGHOUT AN INDUSTRY; (C) IS, IN THE JUDGMENT OF THE COMMISSIONER, NOT A PART OF AN OCCUPATION PREVIOUSLY RECOGNIZED AS APPRENTICEABLE UNLESS SUCH PART IS PRACTICED INDUSTRY-WIDE AS AN IDENTIFIABLE AND DISTINCT TRADE; (D) INVOLVES MANUAL, MECHANICAL OR TECHNICAL SKILLS AND KNOWLEDGE WHICH REQUIRE A MINIMUM OF FOUR THOUSAND HOURS OF WORK AND TRAINING, WHICH HOURS MAY INCLUDE THE TIME SPENT AT RELATED INSTRUCTION, EXCEPT THAT AT THE DISCRETION OF THE COMMISSIONER, A NEW TRADE MAY REQUIRE A MINIMUM OF TWO THOUSAND HOURS IF THE COMMISSIONER FINDS THAT THE PARTICULAR TRADE CAN BE LEARNED WITHIN SUCH TIME; (E) REQUIRES RELATED INSTRUCTION TO SUPPLEMENT THE ON-THE-JOB TRAINING WHICH INSTRUCTION SHALL BE GIVEN IN ACCORDANCE WITH THIS ARTICLE; AND (F) INVOLVES THE DEVELOPMENT OF SKILLS SUFFICIENTLY BROAD TO BE APPLICABLE IN LIKE OCCUPATIONS THROUGHOUT AN INDUSTRY, RATHER THAN OF RESTRICTED APPLICATION TO THE PRODUCTS OF ANY ONE COMPANY.

5. "SPONSOR" MEANS AN EMPLOYER, A GROUP OF EMPLOYERS, OR A JOINT APPRENTICESHIP COMMITTEE (JAC) REPRESENTING BOTH EMPLOYERS AND A UNION, WHICH HAS THE ABILITY TO TRAIN APPRENTICES, AND WHICH IS RECOGNIZED AS SUCH BY THE COMMISSIONER THROUGH THE REGISTRATION OF A PROGRAM.

6. "APPRENTICESHIP COUNCIL" MEANS THE STATE APPRENTICESHIP AND TRAINING COUNCIL ESTABLISHED PURSUANT TO SECTION EIGHT HUNDRED SEVENTEEN OF THIS ARTICLE.

S 812. ELIGIBILITY AND PROCEDURE FOR REGISTRATION. 1. AN APPLICATION FOR REGISTRATION OF A PROGRAM OR AGREEMENT SHALL BE MADE BY THE SPONSOR ON A FORM PRESCRIBED BY AND FILED WITH THE COMMISSIONER.

2. NO PROGRAM OR AGREEMENT SHALL BE ELIGIBLE FOR REGISTRATION BY THE COMMISSIONER UNLESS THE COMMISSIONER FINDS THAT: (A) IT IS IN CONFORMITY WITH THE REQUIREMENTS OF THIS ARTICLE; (B) THE PROPOSED PROGRAM IS IN AN APPRENTICEABLE OCCUPATION AS DEFINED IN THIS ARTICLE; (C) IT IS IN CONFORMITY WITH THE REQUIREMENTS OF THE COMMISSIONER'S REGULATION ON EQUAL EMPLOYMENT OPPORTUNITY IN APPRENTICESHIP TRAINING; AND (D) THE SPONSOR HAS AGREED TO REGISTER ALL APPRENTICES IN HIS OR HER EMPLOY, OR, IN THE CASE OF A JOINT APPRENTICESHIP COMMITTEE IT SHALL BE THE RESPONSIBILITY OF SUCH COMMITTEE TO REGISTER ALL OF ITS APPRENTICES.

3. WHERE THERE IS AN EXISTING, QUALIFIED, RELATED INSTRUCTION PROGRAM IN THE BUILDING TRADES, AVAILABLE TO ANY ELIGIBLE APPRENTICE CANDIDATE FOR THAT TRADE, THE DEPARTMENT SHOULD NOT REGISTER AN APPRENTICE TRAINING PROGRAM WHICH PROPOSES TO USE A DIFFERENT RELATED INSTRUCTION PROGRAM. IF, HOWEVER, THE EXISTING QUALIFIED PROGRAM IS NOT AVAILABLE TO ALL POTENTIAL APPRENTICES, AND THE PROPOSED APPRENTICESHIP TRAINING PROGRAM AND RELATED INSTRUCTION ARE OF THE SAME QUALITY AND STANDARDS AS EXIST IN THE ESTABLISHED PROGRAM, THEN APPROVAL SHOULD BE CONSIDERED. APPLICATIONS FOR ALL NEW PROGRAMS SHALL BE PROCESSED THROUGH THE STATE APPRENTICESHIP AND TRAINING COUNCIL FOR REVIEW. FINAL APPROVAL FOR REGISTRATION WILL BE MADE BY THE COMMISSIONER.

4. APPRENTICES MUST BE INDIVIDUALLY REGISTERED UNDER A REGISTERED PROGRAM. SUCH REGISTRATION MAY BE EFFECTED BY: (A) SPONSORS FILING COPIES OF EACH APPRENTICESHIP AGREEMENT; OR (B) SUBJECT TO PRIOR APPROVAL BY THE COMMISSIONER, FILING A MASTER COPY OF SUCH AGREEMENT FOLLOWED BY A LISTING OF THE NAME, AND OTHER REQUIRED DATA, OF EACH INDIVIDUAL WHEN APPRENTICED.

5. THE COMMISSIONER MUST BE PROMPTLY NOTIFIED BY THE SPONSOR OF THE VOLUNTARY CANCELLATION, SUSPENSION, OR TERMINATION OF ANY PROGRAM OR AGREEMENT, WITH THE REASONS THEREFOR, AND OF THE STATUS OF ALL APPRENTICES IN THE PROGRAM, INCLUDING ARRANGEMENTS FOR TRANSFERRING OR TERMINATING THEM.

6. THE SPONSOR OF AN APPROVED PROGRAM SHALL BE NOTIFIED OF REGISTRATION BY THE COMMISSIONER.

7. ANY PROPOSED MODIFICATION OR CHANGE OF A REGISTERED PROGRAM SHALL BE PROMPTLY SUBMITTED BY THE PROGRAM SPONSOR TO THE COMMISSIONER AND, IF APPROVED, SHALL BE RECORDED AND ACKNOWLEDGED AS AN AMENDMENT TO SUCH PROGRAM.

8. UNDER A PROGRAM PROPOSED FOR REGISTRATION BY AN EMPLOYER OR EMPLOYERS' ASSOCIATION, WHERE THE STANDARDS, COLLECTIVE BARGAINING AGREEMENT, OR OTHER INSTRUMENT PROVIDES FOR PARTICIPATION BY A UNION IN ANY MANNER IN THE OPERATION OF THE SUBSTANTIVE MATTERS OF THE PROGRAM, WRITTEN ACKNOWLEDGEMENT BY THE UNION OF THE UNION AGREEMENT OR A WRITTEN STATEMENT BY THE UNION THAT IT HAS NO OBJECTION TO THE REGISTRATION SHALL BE REQUIRED. WHERE NO SUCH UNION PARTICIPATION IS PROVIDED, THE EMPLOYER OR EMPLOYERS' ASSOCIATION SHALL SIMULTANEOUSLY FURNISH TO THE UNION LOCALS, IF ANY, WHICH ARE THE COLLECTIVE BARGAINING AGENTS OF THE EMPLOYEES TO BE TRAINED, A COPY OF ITS APPLICATION FOR REGISTRATION AND OF THE PROGRAM. UPON RECEIPT OF THE APPLICATION AND PROGRAM, THE COMMISSIONER SHALL PROMPTLY SEND BY CERTIFIED MAIL TO SUCH UNION LOCAL ANOTHER COPY OF THE APPLICATION AND OF THE PROGRAM TOGETHER WITH A NOTICE THAT UNION COMMENTS WILL BE ACCEPTED FOR THIRTY DAYS THEREAFTER.

9. WHERE THE EMPLOYEES TO BE TRAINED HAVE NO COLLECTIVE BARGAINING AGENT, AN APPRENTICESHIP PROGRAM MAY BE PROPOSED FOR REGISTRATION BY AN EMPLOYER OR GROUP OF EMPLOYERS. NOTICE SHALL BE GIVEN BY SUCH EMPLOYER OR EMPLOYERS TO THE APPRENTICESHIP TRAINING COUNCIL.

10. THE COMMISSIONER MAY REFUSE TO REGISTER A PROGRAM IF IN HIS OR HER JUDGMENT THE SPONSOR OR ANY PARTICIPANT WILL BE UNABLE TO CONDUCT THE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. THE COMMISSIONER MAY ALSO REFUSE TO REGISTER A PROGRAM OR TO REGISTER ADDITIONAL APPRENTICES UNDER A REGISTERED PROGRAM IF HE OR SHE FINDS THAT FOR THE PARTICULAR OCCUPATION INVOLVED THE ECONOMIC AND EMPLOYMENT CONDITIONS IN THE LOCALITY DO NOT JUSTIFY THE TRAINING OF ADDITIONAL APPRENTICES AND WOULD NOT BE IN ACCORDANCE WITH THE PUBLIC POLICY STATED IN SECTION EIGHT HUNDRED TEN OF THIS ARTICLE. ANY PERSON AGGRIEVED BY A REGISTRATION DENIAL MAY, WITHIN TEN DAYS FROM THE NOTICE OF FILING OF THE NOTICE

OF DENIAL IN THE OFFICE OF THE COMMISSIONER, REQUEST A HEARING, AND THE PROCEDURES IN SECTION EIGHT HUNDRED EIGHTEEN OF THIS ARTICLE SHALL APPLY.

S 813. STANDARDS FOR APPRENTICESHIP PROGRAMS. NO PROGRAM SHALL BE REGISTERED UNLESS THE COMMISSIONER DETERMINES THAT IT MEETS ALL OF THE FOLLOWING STANDARDS:

1. THE PROGRAM MUST BE AN ORGANIZED, WRITTEN PLAN EMBODYING THE TERMS AND CONDITIONS OF EMPLOYMENT, TRAINING AND SUPERVISION OF ONE OR MORE APPRENTICES IN AN APPRENTICEABLE OCCUPATION, AND SUBSCRIBED TO BY A SPONSOR WHO HAS UNDERTAKEN TO CARRY OUT THE APPRENTICE TRAINING PROGRAM, AND IN THE CASE OF A PROGRAM OF A JOINT APPRENTICESHIP COMMITTEE THE SPONSOR HAS UNDERTAKEN THE RESPONSIBILITY OF SUPERVISING THE CONDUCT OF THE PROGRAM.

2. THE PROGRAM MUST CONTAIN THE EQUAL OPPORTUNITY PLEDGE PRESCRIBED BY THE COMMISSIONER, AND IN PROGRAMS HAVING REGISTERED APPRENTICES: (A) AN AFFIRMATIVE ACTION PLAN IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE COMMISSIONER, (B) A SELECTION METHOD AUTHORIZED IN SUCH REGULATIONS, AND (C) A PROVISION THAT THE APPRENTICE WILL BE ACCORDED EQUAL OPPORTUNITY IN ALL PHASES OF APPRENTICESHIP EMPLOYMENT AND TRAINING WITHOUT DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE OR DISABILITY OR MARITAL STATUS.

3. THE PROGRAM MUST CONTAIN PROVISIONS DESCRIBING THE FOLLOWING:

(A) THE EMPLOYMENT AND TRAINING OF THE APPRENTICE IN A SKILLED TRADE, AND THE REQUIRED MINIMUM QUALIFICATIONS;

(B) THE TERM OF APPRENTICESHIP, WHICH SHALL BE NOT LESS THAN TWO YEARS OR FOUR THOUSAND HOURS, CONSISTENT WITH TRAINING REQUIREMENTS AS ESTABLISHED BY INDUSTRY PRACTICE AS DETERMINED BY THE COMMISSIONER, EXCEPT THAT THE TERM OF APPRENTICESHIP IN A NEW TRADE MAY BE NOT LESS THAN ONE YEAR OR TWO THOUSAND HOURS IF THE COMMISSIONER FINDS AFTER REVIEW OF WRITTEN SUBSTANTIATION OF THE SPONSOR AND WITH THE RECOMMENDATION OF THE APPRENTICESHIP COUNCIL THAT THE PARTICULAR TRADE CAN BE LEARNED WITHIN SUCH TIME. A NEW TRADE FOR THE PURPOSES OF THIS SECTION MUST BE ONE NOT PRESENTLY CONSIDERED TO BE A BUILDING TRADE;

(C) THE WORK PROCESSES IN WHICH THE APPRENTICE WILL RECEIVE SUPERVISED WORK EXPERIENCE AND TRAINING ON THE JOB, AND THE ALLOCATION OF THE APPROXIMATE TIME TO BE SPENT IN EACH MAJOR PROCESS;

(D) THE ORGANIZED, RELATED AND SUPPLEMENTAL INSTRUCTION IN TECHNICAL SUBJECTS RELATED TO THE TRADE WHICH WILL BE PROVIDED TO EACH APPRENTICE, AS REQUIRED BY THIS ARTICLE UNDER THE SUPERVISION OF QUALIFIED TRAINING PERSONNEL UNDER NORMAL INSTRUCTIONAL CONDITIONS;

(E) THE PROGRESSIVELY INCREASING SCHEDULE OF WAGES TO BE PAID THE APPRENTICE CONSISTENT WITH THE SKILL ACQUIRED. THE ENTRY WAGE SHALL BE NOT LESS THAN THE MINIMUM WAGE PRESCRIBED BY FEDERAL OR STATE MINIMUM WAGE LAWS, NOR LESS THAN THE WAGE REQUIRED BY AN APPLICABLE COLLECTIVE BARGAINING AGREEMENT;

(F) THE SPONSOR'S PLANS FOR A PERIODIC REVIEW AND EVALUATION OF THE APPRENTICE'S PROGRESS IN JOB PERFORMANCE AND RELATED INSTRUCTION, AND THE MANNER IN WHICH THE SPONSOR WILL MAINTAIN RECORDS FOR EACH APPRENTICE;

(G) THE RATIO OF APPRENTICES TO JOURNEYMEN UNDER THE PROGRAM AS DETERMINED BY THE COMMISSIONER, IN ACCORDANCE WITH PROPER SUPERVISION, TRAINING AND CONTINUITY OF EMPLOYMENT, APPLICABLE PROVISIONS IN COLLECTIVE BARGAINING AGREEMENTS AND UNION TIME ACCEPTED RATIOS;

(H) THE SPONSOR'S STATEMENT THAT HE OR SHE WILL COMPLY WITH APPLICABLE FEDERAL, STATE AND LOCAL OCCUPATIONAL SAFETY AND HEALTH STANDARDS, INCLUDING HIS OR HER WILLINGNESS TO PROVIDE ADEQUATE AND SAFE EQUIPMENT

AND FACILITIES FOR TRAINING AND SUPERVISION, AND SAFETY TRAINING FOR APPRENTICES ON THE JOB;

(I) THE PROBATIONARY PERIOD FOR APPRENTICES, WHICH SHALL BE A REASONABLE LENGTH, AS DETERMINED BY THE COMMISSIONER IN ACCORDANCE WITH APPLICABLE PROVISIONS OF THE APPLICABLE COLLECTIVE BARGAINING AGREEMENTS;

(J) THE PLACEMENT AND REGISTRATION OF AN APPRENTICE IN ACCORDANCE WITH THE PROVISIONS OF THE RULES AND REGULATIONS PROMULGATED PURSUANT TO THIS ARTICLE;

(K) THE MANNER, IF ANY, BY WHICH THE SPONSOR PROPOSES TO GRANT ADVANCE STANDING OR CREDIT FOR PREVIOUSLY ACQUIRED EXPERIENCE, TRAINING, SKILLS, OR APTITUDE FOR ALL APPLICANTS EQUALLY, AND THE MANNER IN WHICH WAGES WILL BE ADJUSTED IF ANY ADVANCE STANDING OR CREDIT IS GRANTED;

(L) THE MANNER IN WHICH THE SPONSOR WILL PERMIT THE TRANSFER OF ITS TRAINING OBLIGATION TO ANOTHER SPONSOR, WHERE WARRANTED, WITH FULL CREDIT TO THE APPRENTICE FOR SATISFACTORY TIME AND TRAINING EARNED;

(M) THE SPONSOR'S ASSURANCE THAT ALL TRAINING WILL BE CONDUCTED BY QUALIFIED TRAINING PERSONNEL;

(N) THE MANNER IN WHICH THE SPONSOR WILL GRANT RECOGNITION FOR THE SUCCESSFUL COMPLETION OF APPRENTICESHIP, WHICH RECOGNITION MUST INCLUDE THE PRESENTATION OF AN APPROPRIATE NEW YORK STATE CERTIFICATION OF COMPLETION FOR ALL WHO COMPLETE THE PROGRAM;

(O) THE SPONSOR'S AGREEMENT TO PROMPTLY NOTIFY THE COMMISSIONER OF ALL PERSONS WHO HAVE SUCCESSFULLY COMPLETED PROGRAMS;

(P) THE SPONSOR'S STATEMENT THAT THE PROGRAM WILL BE CONDUCTED, OPERATED, AND ADMINISTERED IN CONFORMITY WITH ALL APPLICABLE PROVISIONS OF THIS ARTICLE; AND

(Q) THE SPONSOR'S AGREEMENT TO PROMPTLY RECORD, MAINTAIN AND SUBMIT TO THE COMMISSIONER SUCH RECORDS CONCERNING APPRENTICESHIP AS MAY BE REQUIRED BY THE COMMISSIONER AND OTHER APPLICABLE LAWS OR REGULATIONS.

4. NOTWITHSTANDING ANY OTHER GROUND FOR DEREGISTRATION, A VIOLATION OF ANY OF THE AFOREMENTIONED STANDARDS SHALL BE A GROUND FOR DEREGISTRATION OF AN APPRENTICESHIP PROGRAM.

S 814. STANDARDS FOR APPRENTICESHIP AGREEMENTS. AN APPRENTICESHIP AGREEMENT SHALL INCLUDE THE FOLLOWING:

1. A STATEMENT OF THE TRADE OR CRAFT TO BE TAUGHT AND THE REQUIRED HOURS FOR COMPLETION OF APPRENTICESHIP WHICH SHALL BE NOT LESS THAN TWO YEARS OR FOUR THOUSAND HOURS OF REASONABLY CONTINUOUS EMPLOYMENT.

2. A STATEMENT OF THE PROCESSES IN THE TRADE OR CRAFT DIVISIONS IN WHICH THE APPRENTICE IS TO BE TAUGHT AND THE APPROXIMATE AMOUNT OF TIME TO BE SPENT AT EACH PROCESS.

3. A STATEMENT OF THE NUMBER OF HOURS TO BE SPENT BY THE APPRENTICE IN WORK AND THE NUMBER OF HOURS TO BE SPENT IN RELATED AND SUPPLEMENTAL INSTRUCTION WHICH INSTRUCTION SHALL BE NOT LESS THAN ONE HUNDRED FORTY-FOUR HOURS A YEAR.

4. A STATEMENT THAT APPRENTICES SHALL BE NOT LESS THAN SIXTEEN YEARS OF AGE.

5. PROVISION THAT APPRENTICES SHALL BE SELECTED ON THE BASIS OF QUALIFICATIONS ALONE, AS DETERMINED BY OBJECTIVE CRITERIA WHICH PERMIT REVIEW, AND WITHOUT ANY DISCRIMINATION AS TO RACE, CREED, COLOR, NATIONAL ORIGIN, SEX, AGE OR DISABILITY OR MARITAL STATUS. THE TERM "DISABILITY" IS LIMITED TO PHYSICAL, MENTAL OR MEDICAL CONDITIONS WHICH ARE UNRELATED TO THE APPRENTICE'S ABILITY TO PERFORM THE DUTIES OF THE APPRENTICEABLE OCCUPATION.

6. A STATEMENT OF THE PROGRESSIVELY INCREASING SCALE OF WAGES TO BE PAID THE APPRENTICE.

7. PROVISION THAT THE SERVICES OF THE COMMISSIONER MAY BE UTILIZED FOR CONSULTATION REGARDING THE SETTLEMENT OF DIFFERENCES ARISING OUT OF THE APPRENTICESHIP AGREEMENT WHERE SUCH DIFFERENCES CANNOT BE ADJUSTED LOCALLY OR IN ACCORDANCE WITH THE ESTABLISHED TRADE PROCEDURE.

8. PROVISION THAT IF A SPONSOR, WHO IS AN EMPLOYER OR EMPLOYER GROUP, IS UNABLE TO FULFILL HIS OR HER OBLIGATION UNDER THE APPRENTICESHIP AGREEMENT HE OR SHE MAY TRANSFER SUCH OBLIGATION TO ANOTHER EMPLOYER OR EMPLOYER GROUP.

9. SUCH ADDITIONAL STANDARDS AS MAY BE PRESCRIBED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

S 815. RELATED AND SUPPLEMENTAL INSTRUCTION. RELATED AND SUPPLEMENTAL INSTRUCTION FOR APPRENTICES, COORDINATION OF INSTRUCTION WITH JOB EXPERIENCE, AND THE SELECTION OF TEACHERS AND COORDINATORS FOR SUCH INSTRUCTION SHALL BE THE RESPONSIBILITY OF STATE AND LOCAL BOARDS RESPONSIBLE FOR VOCATIONAL EDUCATION. WHERE A JOINT APPRENTICESHIP COMMITTEE IS THE SPONSOR, SUCH COMMITTEE SHALL BE RESPONSIBLE FOR THE SELECTION OF TEACHERS AND COORDINATION OF SUCH INSTRUCTION.

THE STATE EDUCATION DEPARTMENT SHALL BE RESPONSIBLE FOR AND SHALL PROVIDE RELATED INSTRUCTION AS REQUIRED BY APPRENTICESHIP PROGRAMS SET UP UNDER THIS ARTICLE, EXCEPT THAT RELATED INSTRUCTION MAY BE PROVIDED BY A SPONSOR UNDER A PROGRAM APPROVED BY THE STATE EDUCATION DEPARTMENT.

S 816. POWERS AND DUTIES OF THE COMMISSIONER. THE COMMISSIONER SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO ENCOURAGE AND PROMOTE APPRENTICESHIP PROGRAMS AND THE MAKING OF AGREEMENTS CONFORMING TO THE STANDARDS ESTABLISHED BY THIS ARTICLE;

2. TO ESTABLISH SUCH ADDITIONAL STANDARDS FOR APPRENTICESHIP PROGRAMS AND AGREEMENTS AS HE OR SHE FINDS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ARTICLE;

3. TO SUPERVISE APPRENTICESHIP PROGRAMS AND MAINTENANCE OF STANDARDS;

4. TO REGISTER APPROVED APPRENTICESHIP PROGRAMS AND AGREEMENTS, AND TO ISSUE CERTIFICATES OF COMPLETION OF APPRENTICESHIP;

5. AFTER CONSULTATION WITH THE APPRENTICESHIP AND TRAINING COUNCIL, TO GRANT SUCH VARIANCES FROM ANY PROVISION OF THIS ARTICLE AS HE OR SHE MAY FIND NECESSARY AND PROPER IF THE SPIRIT OF THE PROVISION IS PRESERVED, PROVIDED, HOWEVER, THAT IF THE VARIANCE RELATES TO THE STANDARD IN SECTION EIGHT HUNDRED FOURTEEN OF THIS ARTICLE THAT THE APPRENTICE SPEND AT LEAST ONE HUNDRED FORTY-FOUR HOURS A YEAR IN RELATED AND SUPPLEMENTAL INSTRUCTION, THE COMMISSIONER MAY GRANT SUCH VARIANCE WITH THE APPROVAL OF THE COMMISSIONER OF EDUCATION;

6. ON HIS OR HER OWN INITIATIVE OR UPON RECEIVING A VERIFIED COMPLAINT IN WRITING OF ANY PERSON, FIRM, CORPORATION OR LABOR ORGANIZATION, TO CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE WHETHER AN APPRENTICESHIP PROGRAM SHOULD BE DEREGISTERED;

7. TO TERMINATE OR CANCEL ANY APPRENTICESHIP PROGRAM OR AGREEMENT AND TO DEREGISTER AN APPRENTICESHIP PROGRAM;

8. TO ENCOURAGE AND PROMOTE THE HIRING AS APPRENTICES BY ANY TRADE OR GROUP OF TRADES OF PERSONS WHO ARE ON PAROLE, IN ORDER TO AID IN THE REHABILITATION OF SUCH PERSONS;

9. TO STUDY AND DISSEMINATE INFORMATION ON APPRENTICESHIP TRAINING, TRENDS OF EMPLOYMENT OPPORTUNITIES IN VARIOUS TRADES, THE IMPACT OF TECHNOLOGICAL CHANGE ON SKILL LEVELS AND REQUIREMENTS, THE SUPPLY OF AND NEED FOR SKILLED MANPOWER, AND RELATED MATTERS;

10. TO COOPERATE WITH FEDERAL, STATE, LOCAL GOVERNMENTAL AND PRIVATE AGENCIES HAVING AN INTEREST IN APPRENTICESHIP PROGRAMS;

11. TO ADOPT SUCH RULES AND REGULATIONS AS MAY BE NECESSARY FOR THE EFFECTIVE ADMINISTRATION OF THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

12. TO PERFORM SUCH OTHER DUTIES AS MAY BE NECESSARY TO GIVE FULL EFFECT TO THE PROVISIONS OF THIS ARTICLE.

S 817. STATE APPRENTICESHIP AND TRAINING COUNCIL. 1. THE GOVERNOR SHALL APPOINT A STATE APPRENTICESHIP AND TRAINING COUNCIL, COMPOSED OF SEVEN REPRESENTATIVES EACH FROM EMPLOYER AND EMPLOYEE ORGANIZATIONS RESPECTIVELY AND ONE REPRESENTATIVE OF THE GENERAL PUBLIC, WHO SHALL BE THE CHAIRMAN. THE COUNCIL BY MAJORITY VOTE MAY DESIGNATE ONE OF ITS MEMBERS AS VICE-CHAIRMAN TO ACT IN THE ABSENCE OR INABILITY OF THE CHAIRMAN FOR ALL PURPOSES EXCEPT THAT SET FORTH IN PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION. EACH MEMBER SHALL BE APPOINTED FOR A TERM OF THREE YEARS AND SHALL HOLD OFFICE UNTIL HIS OR HER SUCCESSOR IS APPOINTED AND HAS QUALIFIED. ANY VACANCY SHALL BE FILLED BY APPOINTMENT FOR THE UNEXPIRED PORTION OF THE TERM. THE PRESENT MEMBERS OF THE COUNCIL SHALL CONTINUE TO HOLD OFFICE UNTIL THE EXPIRATION OF THEIR PRESENT TERMS OR THEIR EARLIER TERMINATIONS BY RESIGNATION OR INABILITY TO ACT. THE COMMISSIONER AND THE COMMISSIONERS OF EDUCATION AND ECONOMIC DEVELOPMENT SHALL BE EX OFFICIO MEMBERS OF SUCH COUNCIL WITHOUT VOTE. WHEN ENGAGED UPON THE WORK OF THE COUNCIL THE MEMBERS SHALL RECEIVE THE PER DIEM ALLOWANCE APPROPRIATED THEREFOR, AND SHALL BE REIMBURSED FOR TRANSPORTATION AND OTHER EXPENSES ACTUALLY AND NECESSARILY INCURRED IN THE PERFORMANCE OF THEIR DUTIES. TO COORDINATE THE ACTIVITIES OF THE COUNCIL, THE COMMISSIONER SHALL APPOINT AN EXECUTIVE SECRETARY OF THE COUNCIL WHO SHALL RECEIVE AN ANNUAL COMPENSATION FIXED BY THE COMMISSIONER WITHIN THE AMOUNT APPROPRIATED THEREFOR.

2. THE COUNCIL (A) SHALL ADVISE THE COMMISSIONER ON APPRENTICE TRAINING MATTERS, INCLUDING THE MATTER OF RELATED AND SUPPLEMENTAL INSTRUCTION; (B) SHALL MAINTAIN A CLOSE AND EFFECTIVE LIAISON WITH GOVERNMENTAL AND NONGOVERNMENTAL AGENCIES WHICH ARE CONCERNED WITH SKILLED MANPOWER DEVELOPMENT AND PROBLEMS; (C) MAY RECOMMEND RESEARCH PROJECTS ON FACTS AND TRENDS RELATING TO APPRENTICESHIP TRAINING AND THE SUPPLY OF AND NEED FOR SKILLED MANPOWER; AND (D) SHALL ACT AS A HEARING PANEL IN DENIAL OF REGISTRATION OR DEREGISTRATION PROCEEDINGS AS PROVIDED IN THIS ARTICLE.

3. THE COMMISSIONER SHALL CONSULT WITH THE COUNCIL BEFORE PROMULGATING A RULE OR REGULATION TO EFFECTUATE THE PURPOSES OF THIS ARTICLE AND IN THE PREPARATION OF PROPOSED AMENDMENTS OF THIS ARTICLE.

S 818. DEREGISTRATION PROCEEDINGS. 1. GROUNDS FOR DEREGISTRATION. THE COMMISSIONER MAY DEREGISTER AN APPRENTICESHIP TRAINING PROGRAM IF THE COMMISSIONER FINDS THAT THE SPONSOR, OR ANY PARTICIPANT HAS:

(A) VIOLATED A FEDERAL OR STATE LAW;

(B) SUBVERTED THE PROGRAM INTENT BY HIRING WORKERS AS HELPERS, SHOP BOYS OR OTHER TITLES AND ASSIGNING TO THEM WORK GENERALLY PERFORMED BY APPRENTICES;

(C) NOT CONDUCTED, OPERATED, AND ADMINISTERED THE PROGRAM IN ACCORDANCE WITH THIS ARTICLE, EXCEPT THAT DEREGISTRATION PROCEEDINGS FOR VIOLATION OF EQUAL OPPORTUNITY REQUIREMENTS SHALL BE PROCESSED IN ACCORDANCE WITH THE PROVISIONS OF PART SIX HUNDRED OF TITLE TWELVE OF THE OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE STATE OF NEW YORK;

(D) MADE A FALSE OR MISLEADING STATEMENT IN CONNECTION WITH THE REGISTRATION OF THE PROGRAM; OR

(E) IS NOT A PERSON OF GOOD CHARACTER AND RESPONSIBILITY.

2. PROCEDURE. (A) WHERE IT APPEARS THAT SUFFICIENT CAUSE EXISTS FOR DEREGISTRATION, THE COMMISSIONER SHALL SEND A NOTICE TO THE SPONSOR BY

REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, STATING THE GROUND OR GROUNDS ON WHICH IT IS PROPOSED TO DEREGISTER THE PROGRAM AND THAT THE PROGRAM WILL BE DEREGISTERED UNLESS, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE NOTICE, THE SPONSOR FILES WITH THE COMMISSIONER A WRITTEN REQUEST FOR A HEARING.

(B) IF THE SPONSOR REQUESTS A HEARING, THE COMMISSIONER SHALL CONVENE A HEARING AND ISSUE HIS OR HER DETERMINATION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION.

(C) IN SUCH DETERMINATION, THE COMMISSIONER MAY ALLOW THE SPONSOR A REASONABLE TIME TO ACHIEVE VOLUNTARY CORRECTIVE ACTION.

(D) IN EACH CASE IN WHICH DEREGISTRATION IS ORDERED, THE COMMISSIONER SHALL PUBLISH WITHIN THIRTY DAYS IN THE STATE BULLETIN A NOTICE OF THE ORDER AND SHALL NOTIFY THE SPONSOR. IN ADDITION, THE COMMISSIONER SHALL WITHIN THIRTY DAYS NOTIFY ALL REGISTERED APPRENTICES OF THE DEREGISTRATION OF THE PROGRAM, THE EFFECTIVE DATE THEREOF, AND THE EFFECT OF DEREGISTRATION.

(E) ANY PERSON AGGRIEVED BY AN ORDER DENYING REGISTRATION OR BY AN ORDER OF DEREGISTRATION MAY, WITHIN THIRTY DAYS FROM THE NOTICE OF FILING OF THE ORDER IN THE COMMISSIONER'S OFFICE, REVIEW THE ORDER IN A PROCEEDING UNDER ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

(F) ANY APPRENTICESHIP PROGRAM DEREGISTERED MAY NOT BE REGISTERED FOR A PERIOD OF THREE YEARS, NOR SHALL THE SPONSOR OR ANY EMPLOYER OR UNION PARTICIPANT BE ELIGIBLE TO REGISTER OR PARTICIPATE IN ANY OTHER PROGRAM FOR SUCH PERIOD. IF THE SPONSOR OR ANY PARTICIPANT IS A CORPORATION THE OFFICERS AND STOCKHOLDERS OF THE CORPORATION MAY NOT REGISTER A PROGRAM UNDER ANOTHER CORPORATE NAME FOR SUCH PERIOD.

3. HEARINGS. UPON RECEIPT OF A REQUEST FOR A HEARING, THE COMMISSIONER SHALL REQUEST THE CHAIRMAN OF THE STATE APPRENTICESHIP AND TRAINING COUNCIL TO DESIGNATE A PANEL FROM THE MEMBERS OF SUCH COUNCIL TO CONDUCT SUCH HEARING. THE PANEL SHALL BE COMPOSED OF AN EQUAL NUMBER OF REPRESENTATIVES OF EMPLOYERS AND OF EMPLOYEE ORGANIZATIONS, AND ALSO MAY INCLUDE THE CHAIRMAN. THE COMMISSIONER MAY, AT THE REQUEST OF THE CHAIRMAN, DESIGNATE AN ATTORNEY OF THE DEPARTMENT OF LABOR TO PRESIDE AT THE HEARING, BUT SUCH ATTORNEY SHALL NOT PARTICIPATE IN THE MAKING OF THE REPORT AND RECOMMENDATIONS OF THE PANEL. REASONABLE NOTICE OF THE HEARING SHALL BE GIVEN BY REGISTERED OR CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE APPROPRIATE SPONSOR AND THE COMPLAINANT, IF ANY. SUCH NOTICE SHALL INCLUDE A REASONABLE TIME AND PLACE OF HEARING, A STATEMENT OF THE PROVISIONS OF THIS ARTICLE PURSUANT TO WHICH THE HEARING IS TO BE HELD, AND A CONCISE STATEMENT OF THE MATTERS PURSUANT TO WHICH THE ACTION FORMING THE BASIS OF THE HEARING IS PROPOSED TO BE TAKEN.

HEARINGS SHALL BE CONDUCTED INFORMALLY AND A RECORD MADE OF THE SWORN TESTIMONY. THE COMPLAINANT, AND EVERY PARTY TO THE PROCEEDING SHALL HAVE THE RIGHT TO COUNSEL AND A FULL OPPORTUNITY TO BE HEARD, INCLUDING SUCH CROSS-EXAMINATION AS MAY BE APPROPRIATE IN THE CIRCUMSTANCES. THE HEARING PANEL SHALL, ON THE BASIS OF THE RECORD MADE IN THE PROCEEDING, SUBMIT ITS REPORT AND RECOMMENDATIONS TO THE COMMISSIONER, WHO SHALL ISSUE HIS OR HER DETERMINATION WITHIN THIRTY DAYS AFTER RECEIPT OF THE HEARING PANEL'S REPORT.

S 819. COMPLAINTS. 1. ANY PERSON, FIRM, CORPORATION OR LABOR ORGANIZATION MAY FILE A COMPLAINT ALLEGING THAT A REGISTERED APPRENTICESHIP PROGRAM IS NOT OPERATING IN ACCORDANCE WITH THIS ARTICLE OR A REGULATION ISSUED THEREUNDER, OR WITH THE EQUAL EMPLOYMENT OPPORTUNITY REGULATION, OR WITH THE APPRENTICESHIP AGREEMENT. THE COMMISSIONER SHALL INVESTIGATE

SUCH COMPLAINT, AND SHALL RESOLVE IT IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

2. ANY COMPLAINT CONCERNING DISCRIMINATION OR OTHER EQUAL OPPORTUNITY MATTER SHALL BE SUBMITTED, PROCESSED, AND RESOLVED IN ACCORDANCE WITH THE APPLICABLE RULES AND REGULATIONS OF THE COMMISSIONER.

3. EXCEPT FOR MATTERS COVERED UNDER SUBDIVISION TWO OF THIS SECTION, ANY CONTROVERSY OR DIFFERENCE ARISING UNDER AN APPRENTICESHIP AGREEMENT WHICH CANNOT BE ADJUSTED LOCALLY, AND THE APPRENTICE IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT, MAY BE SUBMITTED BY AN APPRENTICE, OR HIS OR HER AUTHORIZED REPRESENTATIVE, TO THE COMMISSIONER FOR REVIEW. MATTERS COVERED BY A COLLECTIVE BARGAINING AGREEMENT, HOWEVER, SHALL BE SUBMITTED AND PROCESSED IN ACCORDANCE WITH THE PROCEDURES THEREIN PROVIDED, AND ONCE SO SUBMITTED, MAY NOT BE SUBMITTED TO THE COMMISSIONER AS A COMPLAINT.

4. A COMPLAINT MUST BE IN WRITING AND SIGNED BY THE COMPLAINANT, OR HIS OR HER AUTHORIZED REPRESENTATIVE. IT SHALL SET FORTH THE SPECIFIC MATTERS COMPLAINED OF, TOGETHER WITH ALL RELEVANT FACTS AND CIRCUMSTANCES. COPIES OF ALL PERTINENT DOCUMENTS AND CORRESPONDENCE SHALL ACCOMPANY THE COMPLAINT.

5. THE COMMISSIONER SHALL RENDER A DETERMINATION WITHIN NINETY DAYS AFTER RECEIPT OF A COMPLAINT UNDER SUBDIVISION THREE OF THIS SECTION, BASED UPON SUCH INVESTIGATION OF THE MATTERS SUBMITTED AS HE OR SHE MAY FIND NECESSARY. DURING SUCH NINETY-DAY PERIOD THE COMMISSIONER SHALL MAKE REASONABLE EFFORTS TO EFFECT A SATISFACTORY RESOLUTION BETWEEN THE PARTIES INVOLVED. IF SO RESOLVED, THE PARTIES SHALL BE NOTIFIED THAT THE CASE IS CLOSED. IF THE COMMISSIONER DETERMINES THAT THE COMPLAINT IS UNJUSTIFIED, HE OR SHE SHALL DISMISS SAID COMPLAINT. IF THE COMMISSIONER DETERMINES THAT SUFFICIENT CAUSE EXISTS FOR DEREGISTRATION HE OR SHE SHALL PROCEED IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. WHERE A DETERMINATION IS RENDERED, COPIES SHALL BE SENT TO ALL INTERESTED PARTIES.

6. NOTHING IN THIS SECTION SHALL OPERATE TO PROHIBIT AN APPRENTICE FROM ELECTING TO INSTITUTE APPROPRIATE COURT PROCEEDINGS.

S 819-A. RECORDS AND REPORTS. EACH SPONSOR SHALL KEEP ADEQUATE RECORDS RELATIVE TO ALL PHASES OF THE OPERATION OF THE APPRENTICESHIP PROGRAM, INCLUDING BUT NOT LIMITED TO JOB ASSIGNMENTS, PROMOTION, DEMOTION, LAY-OFF OR TERMINATION, RATES OF PAY OR OTHER FORMS OF COMPENSATION OR CONDITIONS OF WORK, PAYROLL RECORDS, PROGRESS RECORDS OF THE APPRENTICE, AND ANY OTHER RECORDS PERTINENT TO A DETERMINATION OF COMPLIANCE WITH THIS ARTICLE IN SUCH MANNER AND FORM AS MAY BE REQUIRED BY THE COMMISSIONER.

IN ADDITION TO INFORMATION PROVIDED DURING REGULAR DEPARTMENT FIELD INSPECTIONS EACH SPONSOR, AND EACH APPRENTICE SHALL PROMPTLY SUBMIT SUCH REPORTS TO THE DEPARTMENT AS THE COMMISSIONER IN HIS OR HER DISCRETION SHALL REQUIRE. SUCH REPORTS SHALL BE MADE ON FORMS PRESCRIBED BY THE COMMISSIONER.

S 819-B. APPRENTICESHIP ASSISTANCE IN ALL POLITICAL SUBDIVISIONS OF THE STATE. ANY POLITICAL SUBDIVISION OF THE STATE MAY PROVIDE FINANCIAL ASSISTANCE, WITHIN THE AMOUNTS APPROPRIATED THEREFOR, FOR THE PURPOSE OF PROMOTING NONPROFIT PROGRAMS WITHIN SUCH POLITICAL SUBDIVISION TO TRAIN PERSONS IN THOSE SKILLS NEEDED BY THE POLITICAL SUBDIVISION AS AN EMPLOYER, ADMINISTERED BY AGENCIES REPRESENTING MUNICIPAL EMPLOYEES IN A PARTICULAR TITLE OR CLASSIFICATION OR OTHER PHASES OF EMPLOYMENT; PROVIDED SUCH PROGRAMS ARE APPROVED BY THE DEPARTMENT OF EDUCATION AS TO CURRICULUM, INSTRUCTORS AND SCOPE, AND FURTHER PROVIDED THAT SUCH PROGRAMS ARE REGISTERED AND APPROVED AS PROVIDED IN THIS ARTICLE.

S 819-C. SEPARABILITY. IF ANY PROVISION OF THIS ARTICLE OR THE APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES, IS HELD INVALID, THE REMAINDER OF THIS ARTICLE, AND THE APPLICATION OF SUCH PROVISION TO OTHER PERSONS AND CIRCUMSTANCES, SHALL NOT BE AFFECTED THEREBY.

S 2. The state finance law is amended by adding a new section 139-l to read as follows:

S 139-L. OBLIGATION TO HAVE A REGISTERED APPRENTICESHIP PROGRAM. 1. A CLAUSE SHALL BE INSERTED IN ALL SPECIFICATIONS OR CONTRACTS HEREAFTER MADE OR AWARDED BY THE STATE OR ANY PUBLIC DEPARTMENT, AGENCY OR OFFICIAL THEREOF, OR ANY COUNTY, CITY, TOWN, VILLAGE, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, INDUSTRIAL DEVELOPMENT AGENCY OR ANY SUBSIDIARY THEREOF, FOR WORK OR SERVICES PERFORMED, OR TO BE PERFORMED, PURSUANT TO WHICH ANY CONTRACTOR OR SUBCONTRACTOR INCLUDING ANY CONTRACT COVERED BY SECTION TWO HUNDRED TWENTY OF THE LABOR LAW, TO WHOM ANY CONTRACT SHALL BE LET, GRANTED OR AWARDED, AGREES, AS A MATERIAL CONDITION OF THE CONTRACT, THAT SUCH CONTRACTOR HAS AND WILL MAINTAIN A REGISTERED APPRENTICESHIP PROGRAM PURSUANT TO THE PROVISIONS OF ARTICLE TWENTY-THREE OF THE LABOR LAW.

2. NOTHING CONTAINED IN THIS SECTION SHALL OPERATE TO IMPAIR ANY EXISTING CONTRACT, EXCEPT THAT ANY RENEWAL, AMENDMENT OR MODIFICATION OF SUCH CONTRACT OCCURRING ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL BE SUBJECT TO THE CONDITIONS SPECIFIED IN THIS SECTION.

S 3. This act shall take effect on the sixtieth day after it shall have become a law.