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

8475--A

2011-2012 Regular Sessions

I N A S S E M B L Y

June 17, 2011

Introduced by M. of A. PRETLOW -- read once and referred to the Committee on Local Governments -- recommitted to the Committee on Local Governments in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to allowing Westchester county to require bidders for public works, construction or purchase contracts to hire and retain persons residing in certain targeted communities

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

Section 1. The general municipal law is amended by adding a new section 103-h to read as follows:

S 103-H. CONTRACTS FOR PUBLIC WORKS IN WESTCHESTER COUNTY; TARGETED COMMUNITIES. 1. FOR THE PURPOSES OF THIS SECTION, A "TARGETED COMMUNITY" SHALL MEAN ANY CITY, TOWN, OR VILLAGE WITHIN A COUNTY WHERE THE COMBINED AVERAGE OF THE UNEMPLOYMENT RATE AND THE POVERTY RATE OF SUCH COMMUNITY IS GREATER THAN THE COMBINED COUNTYWIDE AVERAGE OF UNEMPLOYMENT AND POVERTY RATE BY TEN PERCENT.

2. NOTWITHSTANDING ANY PROVISION OF LAW, THE COUNTY OF WESTCHESTER MAY REQUIRE THE LOWEST RESPONSIBLE BIDDER FOR ALL PUBLIC WORKS, CONSTRUCTION OR PURCHASE CONTRACTS TO HIRE AND RETAIN PERSONS RESIDING IN CERTAIN TARGETED COMMUNITIES HAVING THE HIGHEST RATES OF UNEMPLOYMENT WITHIN SUCH COUNTY.

3. THE COUNTY MAY REQUIRE THAT:

A. AT LEAST TEN PERCENT OF THE LABOR COSTS OF CONSTRUCTION CONTRACTS AWARDED BY THE COUNTY BE SPENT TO HIRE PERSONS RESIDING IN THE TARGETED COMMUNITIES WITHIN THAT COUNTY;

B. AT LEAST TWENTY PERCENT OF THE LABOR COSTS OF CONSTRUCTION CONTRACTS BE SPENT TO HIRE PERSONS RESIDING IN THE TARGETED COMMUNITIES, IF THE COMBINED AVERAGE UNEMPLOYMENT AND POVERTY RATE FOR A TARGETED

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

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COMMUNITY IS GREATER THAN TWENTY PERCENT OF THE COMBINED COUNTYWIDE AVERAGE OF UNEMPLOYMENT RATE AND THE POVERTY RATE; AND

C. AT LEAST THIRTY PERCENT OF THE LABOR COSTS OF CONSTRUCTION CONTRACTS COST BE SPENT TO HIRE PERSONS RESIDING IN THE TARGETED COMMUNITIES IF THE COMBINED AVERAGE COMMUNITY UNEMPLOYMENT AND POVERTY RATE IS GREATER THAN THIRTY PERCENT OF THE COMBINED COUNTYWIDE AVERAGE OF UNEMPLOYMENT RATE AND THE POVERTY RATE.

4. THE COMBINED AVERAGE UNEMPLOYMENT RATE AND POVERTY RATE SHALL BE COMPUTED ANNUALLY BASED ON STATISTICS PUBLISHED BY THE NEW YORK STATE BUREAU OF LABOR STATISTICS OR SIMILAR GOVERNMENT AGENCIES FOR THE PERIOD ENDING DECEMBER THIRTY-FIRST OF THE YEAR PRECEDING THE YEAR IN WHICH THE CONTRACT IS AWARDED. THE COMBINED AVERAGE SHALL BE THE SUM OF THE PRECEDING YEAR END UNEMPLOYMENT RATE PLUS THE PRECEDING YEAR END POVERTY RATE DIVIDED BY TWO.

5. THE COMBINED AVERAGE UNEMPLOYMENT RATE AND POVERTY RATE SHALL BE ESTABLISHED ANNUALLY BY RESOLUTION OR LOCAL LAW OF THE COUNTY.

6. THE COUNTY MAY REQUIRE THE LOWEST RESPONSIBLE BIDDER TO ESTABLISH APPRENTICESHIP AND TRAINING PROGRAMS FOR WORKERS RESIDING WITHIN THE TARGETED COMMUNITIES IN CERTAIN CONSTRUCTION TRADES SPECIFIED IN A RESOLUTION OR LOCAL LAW PASSED BY SUCH COUNTY.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.