

# STATE OF NEW YORK

3561

2019-2020 Regular Sessions

## IN SENATE

February 8, 2019

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

AN ACT to amend the state finance law, the highway law and the public authorities law, in relation to certain contracts involving industrial painting and industrial coatings

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

1 Section 1. The state finance law is amended by adding a new section  
2 136-d to read as follows:

3 § 136-d. Contracts involving industrial painting and industrial coat-  
4 ings. 1. Any contract receiving state financial assistance that includes  
5 industrial painting or industrial coating shall include provisions  
6 regarding contractor, subcontractor and worker certification as follows:

7 a. Contractors and subcontractors doing work involving industrial  
8 painting and industrial coatings shall be certified by the society for  
9 protective coatings' painting contractor certification program to a QP-1  
10 certification entitled "Standard Procedure for Evaluating Qualifications  
11 of Painting Contractors: Field Application to Complex Structures," or an  
12 equivalent certification, including but not limited to a certification  
13 provided by the NACE international institute contractor accreditation  
14 program.

15 b. Contractors and subcontractors doing work involving industrial  
16 painting and industrial coatings that requires the disturbance of lead  
17 based paint or other hazardous materials shall be certified to society  
18 for protective coatings' QP-2 certification "Standard Procedure for  
19 Evaluating the Qualifications of Painting Contractors to Remove Hazard-  
20 ous Paint," or an equivalent certification, including but not limited to  
21 a certification provided by the NACE international institute contractor  
22 accreditation program.

23 c. Contractors and subcontractors shall be required to have at least  
24 two coatings application specialist level II SSPC ACS-1/NACE 13 certi-

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

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1 fied craft workers. One such certified craft worker shall be required to  
2 be present for all crews up to four crew members. For each crew larger  
3 than four members, an additional coatings application specialist level  
4 II SSPC ACS-1/NACE 13 certified craft worker shall be present on each  
5 painting or blasting crew during blast cleaning and spray application  
6 operations.

7 2. For the purposes of this section, a crew member is a person who is  
8 on the job performing handheld nozzle blast cleaning or spray applica-  
9 tion of protective coatings on a steel structure.

10 3. Any certifications required by this section shall be kept current  
11 for the duration of the contract.

12 4. Any violation of this section shall be grounds for cancellation of  
13 the contract.

14 § 2. Section 38 of the highway law is amended by adding a new subdivi-  
15 sion 2-b to read as follows:

16 2-b. Contracts; industrial painting and industrial coatings. In  
17 regards to contracts for construction or improvement of highways that  
18 utilize industrial painting or industrial coatings, the commissioner  
19 shall certify that such project complies with the requirements of  
20 section one hundred thirty-six-d of the state finance law.

21 § 3. Subdivision 3 of section 1285-s of the public authorities law, as  
22 added by section 7 of part T of chapter 57 of the laws of 2017, is  
23 amended to read as follows:

24 3. Intermunicipal water quality infrastructure projects financed with  
25 state financial assistance made available pursuant to this section shall  
26 be subject to the requirements of article eight of the labor law, the  
27 requirements of article seventeen-B of the executive law, the require-  
28 ments of section one hundred thirty-six-d of the state finance law and  
29 the requirements and provisions of all applicable minority- and women-  
30 owned business mandates including, but not limited to article fifteen-A  
31 of the executive law.

32 § 4. This act shall take effect immediately.