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:

Section 1. The labor law is amended by adding a new article 34 to read 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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(b) the prevention of forest fires, floods, and soil erosion;
(c) plant pest and disease control;
(d) the construction, maintenance, or repair of paths, trails, and fire-lanes in the state park system, public lands, and other lands under the jurisdiction of the state;
(e) urban forestry and greening, including tree planting, gardening projects, and water management projects in urban areas; and
(f) such other work on state land, lands administered or owned by municipalities of the state and private or federal land where such works are deemed to be in the interest of the public, that the commissioner determines to be desirable.
2. Role of state agencies. To operate the civilian conservation corps, 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 utilize the services of existing state departments and agencies.
3. Inclusion of other lands. The commissioner may extend the activities of the civilian conservation corps to lands owned by a political subdivision of a state and lands in private ownership, but only for the purpose of conducting such kinds of cooperation work as are otherwise authorized by law in preventing and controlling forest fires and the attacks of forest tree pests and diseases and such work as is necessary and in the public interest to control floods.
4. Contract authority. For the purpose of carrying out this act, the commissioner may enter into such contracts or agreements with states as may be necessary, including provisions for utilization of existing state administrative agencies.
5. Acquisition of real property. The commissioner, or the head of any department or agency authorized by the commissioner to construct any project or to carry on any public works under this act, may acquire real property for such project or public work by purchase, donation, condemnation, or otherwise.
6. Training program. 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, and in cooperation with the SUNY college of environmental science and forestry, shall develop and administer a training program to provide members of the corps with the skills, training and education necessary to implement the provisions of this act.
7. Coordination with not-for-profit corporations. In carrying out the provisions of this act, the civilian conservation corps may work in association and coordinate projects with not-for-profit corporations which are similarly situated in their mission and purpose.
§ 962. Administration of civilian conservation corps. 1. Employment preference. Persons employed in the civilian conservation corps shall be residents of the state of New York. The employment in the civilian conservation corps shall require the employment of persons residing in underrepresented communities. If the commissioner determines that amounts appropriated to carry out a civilian conservation corps under this act for a fiscal year will be insufficient to employ all of the residents of the state described in section nine hundred sixty-one of this act who are seeking or likely to seek employment in the civilian conservation corps and continue the employment of current employees who desire to remain in the civilian conservation corps, the commissioner shall employ additional persons in the civilian conservation corps in the following order of preference:

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

(b) Unemployed residents who have exhausted their entitlement to unemployment compensation.

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

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

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

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

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

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

(a) receive project proposals submitted by state departments and agencies pursuant to paragraph (a) of subdivision two of this section; and

(b) select project proposals that meet the criteria pursuant to paragraph (b) of subdivision two of this section.

2. Submission of project proposals. (a) Not later than thirty days after the effective date of this article, and subsequently at such times as the civilian conservation corps shall request, 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 shall submit proposals to the corps for projects within the jurisdiction of each such commissioner or other administrator that satisfy the criteria described in paragraph (b) of this subdivision.

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

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

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

(iii) the project would provide a continuing contribution to economic growth, environmental health, flood and fire prevention, or sustainability once it has been completed.

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

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

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

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

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

(a) the number of project proposals submitted to the civilian conservation corps;

(b) the number of projects approved by the program during the reporting period;

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

(d) with respect to each approved project, a project description that includes information about whether the project is complete and such other information as the civilian conservation corps determines appropriate.

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

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

(b) the performance and completion of projects; and

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

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

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