STATE OF NEW YORK

10450

IN ASSEMBLY

May 24, 2022

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Fahy) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the executive law, in relation to the purchase or lease of zero emission vehicles for state-owned vehicle fleets

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

Section 1. Section 201-a of the executive law is amended by adding two new subdivisions 11 and 12 to read as follows:

11. a. The commissioner of general services shall include requirements in any procurement for the manufacturing or retrofitting of zero emission vehicles and charging or fueling infrastructure that the components and parts used or supplied in the performance of the contract or any subcontract thereto shall be produced or made in whole or substantial part in the United States, its territories or possessions and that final assembly of the zero emission vehicles and charging or fueling infrastructure shall occur in the United States, its territories or possessions.

b. The commissioner of general services, in consultation with the New York state energy research and development authority may waive the contracting requirements set forth in paragraph a of this subdivision if the commissioner of general services determines that the requirements would not be in the public interest, would result in unreasonable costs, or that obtaining such zero emission vehicles and charging or fueling infrastructure components and parts in the United States would increase the cost of a contract for zero emission vehicles and charging or fueling infrastructure by an unreasonable amount, or such zero emission vehicles and charging or fueling infrastructure components and parts cannot be produced, made, or assembled in the United States in sufficient and reasonably available quantities or of satisfactory quality. Such determination must be made on an annual basis no later than December thirty-first after providing notice and an opportunity for public comment, and be made publicly available, in writing, on the office of general services' website with a detailed explanation of the findings leading to such determination. If the commissioner of general services

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

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has issued determinations for three consecutive years that no such waiver is warranted pursuant to this paragraph, then the commissioner of general services shall no longer be required to provide the annual determination required by this paragraph.

12. a. Nothing in this section shall alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment, civil service status, and collective bargaining unit membership, of any current employees of the state or any agency or public authority.

b. Nothing in this section shall result in: (i) the discharge, displacement, or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits; (ii) the impairment of existing collective bargaining agreements; (iii) the transfer of existing duties and functions; or (iv) the transfer of future duties and functions, of any currently employed worker of the state or any agency or public authority who agrees to be retrained.

c. Prior to the beginning of the procurement process for zero emission vehicles, the office of general services shall create and implement a workforce development report that: (i) estimates the number of current positions in the state or at any agency or public authority that would be eliminated or substantially changed as a result of the proposed purchase or lease of zero emission vehicles, and the number of positions expected to be created by the purchase or lease over the intended life of the proposed purchase or lease; (ii) identifies gaps in skills of its current workforce that are needed to operate and maintain zero emission vehicles; (iii) includes a comprehensive plan to transition, train, or retrain employees that are impacted by the proposed purchase or lease; and (iv) contains an estimated budget to transition, train, or retrain employees that are impacted by the proposed purchase or lease.

d. Nothing in this section shall: (i) limit the rights of employees pursuant to a collective bargaining agreement, or (ii) alter the existing representational relationships among collective bargaining representatives or the bargaining relationships between the employer and any collective bargaining representative. Employees of public entities serving in positions in newly created titles shall be assigned to the appropriate bargaining unit.

e. Prior to beginning the procurement process for zero emission vehicles, the office of general services shall inform its employees' collective bargaining representative of any potential impact on its members or unit, including positions that may be affected, altered, or eliminated as a result of the proposed purchase or lease.

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the executive law relating to the purchase or lease of zero emission vehicles for state-owned vehicle fleets, as proposed in legislative bills numbers S. 2838-C and A. 2412-B, takes effect.