

STATE OF NEW YORK

9382

IN SENATE

May 23, 2022

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Energy and Telecommunications

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:

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

3 11. a. The commissioner of general services shall include requirements
4 in any procurement for the manufacturing or retrofitting of zero emis-
5 sion vehicles and charging or fueling infrastructure that the components
6 and parts used or supplied in the performance of the contract or any
7 subcontract thereto shall be produced or made in whole or substantial
8 part in the United States, its territories or possessions and that final
9 assembly of the zero emission vehicles and charging or fueling infras-
10 tructure shall occur in the United States, its territories or
11 possessions.

12 b. The commissioner of general services, in consultation with the New
13 York state energy research and development authority may waive the
14 contracting requirements set forth in paragraph a of this subdivision if
15 the commissioner of general services determines that the requirements
16 would not be in the public interest, would result in unreasonable costs,
17 or that obtaining such zero emission vehicles and charging or fueling
18 infrastructure components and parts in the United States would increase
19 the cost of a contract for zero emission vehicles and charging or fuel-
20 ing infrastructure by an unreasonable amount, or such zero emission
21 vehicles and charging or fueling infrastructure components and parts
22 cannot be produced, made, or assembled in the United States in suffi-
23 cient and reasonably available quantities or of satisfactory quality.
24 Such determination must be made on an annual basis no later than Decem-
25 ber thirty-first after providing notice and an opportunity for public
26 comment, and be made publicly available, in writing, on the office of
27 general services' website with a detailed explanation of the findings

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

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1 leading to such determination. If the commissioner of general services
2 has issued determinations for three consecutive years that no such waiv-
3 er is warranted pursuant to this paragraph, then the commissioner of
4 general services shall no longer be required to provide the annual
5 determination required by this paragraph.

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

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

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

31 d. Nothing in this section shall: (i) limit the rights of employees
32 pursuant to a collective bargaining agreement, or (ii) alter the exist-
33 ing representational relationships among collective bargaining represen-
34 tatives or the bargaining relationships between the employer and any
35 collective bargaining representative. Employees of public entities serv-
36 ing in positions in newly created titles shall be assigned to the appro-
37 priate bargaining unit.

38 e. Prior to beginning the procurement process for zero emission vehi-
39 cles, the office of general services shall inform its employees' collec-
40 tive bargaining representative of any potential impact on its members or
41 unit, including positions that may be affected, altered, or eliminated
42 as a result of the proposed purchase or lease.

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