STATE OF NEW YORK

990

2023-2024 Regular Sessions

IN ASSEMBLY

January 11, 2023

Introduced by M. of A. FAHY -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to the purchase or lease of zero emission vehicles and charging or fueling infrastructure; and repealing certain provisions of the executive law relating thereto

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

Section 1. Subdivisions 11 and 12 of section 201-a of the executive law as added by 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emission vehicles for state-owned vehicle fleets, as proposed in legislative bills numbers S. 9382 and A. 10450, are REPEALED.

§ 2. The state finance law is amended by adding a new section 163-c to read as follows:

§ 163-c. Purchase or lease of zero emission vehicles and charging or fueling infrastructure. 1. (a) Each state agency shall include requirements in any procurement for the purchase or lease 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, its territories or possessions, 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

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

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infrastructure components and parts cannot be produced, made, or assembled in the United States, its territories or possessions, 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 website of the office of general services with a detailed explanation of the findings leading to such determination. If the commissioner of general services 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.

2. (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.

(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 who agrees to be retrained.

(c) Prior to the beginning of the initial procurement process for zero emission vehicles, each state agency shall create and implement a workforce development report that: (i) estimates the number of current positions in the agency that would be 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 initial procurement process for zero emission vehicles, the office of employee relations, in consultation with the state agencies involved, shall inform the employees' collective bargaining representative of any potential impact on its members or unit, including positions that may be affected as a result of the proposed purchase or lease.

§ 3. 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. 9382 and A. 10450, takes effect; provided, however, that subdivision one of section 163-c of the state finance law as added by section two of this act shall take effect on December 31, 2023.