STATE OF NEW YORK

752

2023-2024 Regular Sessions

IN SENATE

January 6, 2023

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

AN ACT to amend the labor law, in relation to project labor agreement feasibility studies and apprenticeship agreements

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

Section 1. Subdivision 2 of section 222 of the labor law is amended by adding a new paragraph (f) to read as follows:

(f) (i) Where any contract as defined by this section seeks to engage a project labor agreement as defined in subdivision one of this section, a feasibility study must be conducted first to determine whether such project labor agreement will further its interest in obtaining the best work at the lowest possible price, preventing favoritism, fraud and corruption. The feasibility study shall take into account the impact the project labor agreement will have on competition and the impact the project labor agreement will have on opportunities for minority, women and service-disabled veteran owned business enterprises.

(ii) Such feasibility study shall, in its entirety and unredacted, be provided to the public for review and comment prior to inclusion in any bidding and contract documents. Where, taking those factors into account, the feasibility study concludes there is no net advantage to the public or that there will be a negative impact on opportunities for minority, women or service-disabled veteran owned business enterprises, such project labor agreement shall not be authorized.

§ 2. Subdivision 2 of section 816-b of the labor law, as added by chapter 571 of the laws of 2001, is amended to read as follows:

2. Notwithstanding any other provision of this article, of section one hundred three of the general municipal law, of section one hundred thirty-five of the state finance law, of section one hundred fifty-one of the public housing law, or of any other general, special or local law or administrative code, in entering into any construction contract, a

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

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governmental entity which is to be a direct or indirect party to such contract may require that any contractors and subcontractors have, prior to entering into such contract, apprenticeship agreements appropriate for the type and scope of work to be performed, that have been registered with, and approved by, the commissioner pursuant to the requirements found in this article. Whenever utilizing this requirement, the governmental entity may, in addition to whatever considerations are required by law, consider the degree to which career opportunities in apprenticeship training programs approved by the commissioner may be provided. **Prior to requiring any contractors and subcontractors to have, prior to entering into any construction contract, apprenticeship agreements as defined in section eight hundred sixteen of this article, the government entity must conduct an analysis of the impact such a requirement would have on competition and on opportunities for minority, women and service-disabled veteran owned business enterprises. Such unredacted complete analysis shall be provided to the public for review and comment prior to implementation.**

§ 3. This act shall take effect immediately.