

# STATE OF NEW YORK

5006

2023-2024 Regular Sessions

## IN ASSEMBLY

February 27, 2023

Introduced by M. of A. BURGOS -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prevailing wage requirements applicable to public works and construction projects performed under private contract

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

Section 1. Subdivision 5 of section 220 of the labor law is amended by adding a new paragraph m to read as follows:

m. "Public works" shall mean all fixed works constructed or demolished by any public body or paid for wholly or in part out of public funds. "Public works" shall include all projects financed in whole or in part with bonds, grants, loans, or other funds made available by or through the state or any of its political subdivisions.

§ 2. Subdivision 1 and paragraph a of subdivision 2 of section 224-a of the labor law, as added by section 1 of part FFF of chapter 58 of the laws of 2020, are amended to read as follows:

1. Subject to the provisions of this section, each "covered project" as defined in this section shall be subject to prevailing wage requirements in accordance with section two hundred twenty and two hundred twenty-b of this article. A "covered project" shall mean construction work done under contract which is paid for in whole or in part out of public funds as such term is defined in this section [~~where the amount of all such public funds, when aggregated, is at least thirty percent of the total construction project costs and~~] where such project costs are over five million dollars except as provided for by section two hundred twenty-four-c of this article.

a. The payment of money, by a public entity, or a third party acting on behalf of and for the benefit of a public entity, directly to or on behalf of the contractor, subcontractor, developer or owner [~~that is not subject to repayment~~];

§ 3. This act shall take effect immediately.

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

LBD09510-01-3