§ 224-d. Wage requirements for certain renewable energy systems. 1. For purposes of this section, a "covered renewable energy system" means (a) a renewable energy system, as such term is defined in section sixty-six-p of the public service law, with a capacity of one or more megawatts alternating current and which involves the procurement of renewable energy credits by a public entity, or a company or corporation provided in subdivisions twenty-three and twenty-four of section two of the public service law, or a third party acting on behalf and for the benefit of a public entity; (b) any "thermal energy network" as defined by subdivision twenty-nine of section two of the public service law; (c) any offshore wind supply chain project, including but not limited to port infrastructure, primary component manufacturing, finished component manufacturing, subassembly manufacturing, subcomponent manufacturing, or raw material producers, or a combination thereof receiving direct funding from the New York state energy research and development authority pursuant to an award under a New York state energy research and development authority solicitation; or (d) a "major utility transmission facility" as such term is defined by section one hundred twenty of the public service law.

2. Notwithstanding the provisions of section two hundred twenty-four-a of this article, a covered renewable energy system shall be subject to prevailing wage requirements in accordance with sections two hundred twenty and two hundred twenty-b of this article. Provided that a renewable energy system defined in section sixty-six-p of the public service law which is not considered to be covered by this section, may still otherwise be considered a "covered project" pursuant to section two hundred twenty-four-a of this article if it meets such definition.

3. For purposes of this section, a covered renewable energy system shall exclude construction work performed under a pre-hire collective bargaining agreement between an owner or contractor and a bona fide building and construction trade labor organization which has established itself, and/or its affiliates, as the collective bargaining representative for all persons who will perform work on such a project, and which provides that only contractors and subcontractors who sign a pre-negotiated agreement with the labor organization can perform work on

such a project provided, however, this subdivision shall not apply to any covered renewable energy systems defined in paragraph (d) of subdivision one of this section.

4. For purposes of this section, the "fiscal officer" shall be deemed to be the commissioner. The enforcement of any covered renewable energy system pursuant to this section shall be subject to the requirements of sections two hundred twenty, two hundred twenty-a, two hundred twenty-b, two hundred twenty-three, two hundred twenty-four-b, and two hundred twenty-seven of this chapter and within the jurisdiction of the fiscal officer; provided, however, nothing contained in this section shall be deemed to construe any covered renewable energy system as otherwise being considered public work pursuant to this article.

5. The fiscal officer may issue rules and regulations governing the provisions of this section. Violations of this section shall be grounds for determinations and orders pursuant to section two hundred twenty-b of this article.

6. Each owner and developer subject to the requirements of this section shall comply with the objectives and goals of certified minority and women-owned business enterprises pursuant to article fifteen-A of the executive law and certified service-disabled veteran-owned businesses pursuant to article three of the veterans' services law. The department in consultation with the commissioner of the division of minority and women's business development and the director of the division of service-disabled veterans' business development shall make training and resources available to assist minority and women-owned business enterprises and service-disabled veteran-owned business enterprises on covered renewable energy systems to achieve and maintain compliance with prevailing wage requirements. The department shall make such training and resources available online and shall afford minority and women-owned business enterprises and service-disabled veteran-owned business enterprises an opportunity to submit comments on such training.

7. a. The fiscal officer shall report to the governor, the temporary president of the senate, and the speaker of the assembly by July first,

two thousand twenty-two, and annually thereafter, on the participation of minority and women-owned business enterprises in relation to covered renewable energy systems subject to the provisions of this section as well as the diversity practices of contractors and subcontractors employing laborers, workers, and mechanics on such projects.

b. Such reports shall include aggregated data on the utilization and participation of minority and women-owned business enterprises, the employment of minorities and women in construction-related jobs on such projects, and the commitment of contractors and subcontractors on such projects to adopting practices and policies that promote diversity within the workforce. The reports shall also examine the compliance of contractors and subcontractors with other equal employment opportunity requirements and anti-discrimination laws, in addition to any other employment practices deemed pertinent by the commissioner.

c. The fiscal officer may require any owner or developer to disclose information on the participation of minority and women-owned business enterprises and the diversity practices of contractors and subcontractors involved in the performance of any covered renewable energy system. It shall be the duty of the fiscal officer to consult and to share such information in order to effectuate the requirements of this section.

8. A covered renewable energy system shall require all contractors and subcontractors performing construction work to have apprenticeship agreements, as defined by article twenty-three of this chapter, and any thermal energy network covered by this section shall additionally require such contractors and subcontractors to have agreements with pre-apprenticeship direct entry providers registered with the department.