



LEGISLATIVE UPDATE APRIL 2021

NYS BUDGET FY 2021-22 ENACTED MEASURES & SIGNIFICANT BILL REVIEW

On April 6, 2021, the legislature completed final action on the \$212 billion budget for fiscal year 2021-22. The enacted budget is \$16 billion more than the Governor's request.

The following are issues of interest in the enacted budget:

Extend Prevailing Wage to Covered Renewable Energy Projects

Creates prevailing wage requirements for covered renewable energy projects, defined as construction work and engineering and consulting services performed in connection with either the installation of a renewable energy system, as such term is defined in section 66-p of the public service law, with a capacity over 25 megawatts alternating current and with a total project cost of over ten million dollars; or the installation of a solar energy system with a capacity over 5 megawatts alternating current and with a total project cost of over five million dollars.

Unemployment Ratings

Adds a provision in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges.

DASNY Design and Construction Services Extender for DEC and OPRHP

Extends DASNY's authorization to provide design and construction services for the Department of Environmental Conservation (DEC) and the Office of Parks, Recreation, and Historic Preservation (OPRHP) for 2 years.

The dormitory authority of the state of New York shall provide an annual report providing information regarding any project undertaken pursuant to a design and construction management agreement for these agencies. Such report shall include but not be limited to a description, the project identification number, the projected date of completion, the status of the project, the total cost or projected cost, and the location, including the names of any county, town, village or city, where each such project is located or proposed.

Increase Wage and Withholding Filing Penalty

The Legislature modified the Executive proposal to increase the penalty imposed on employers for failure to provide complete and accurate wage reporting and withholding reports, to accept the increase in the penalty from \$50 per employee to \$100 per employee, but to increase the maximum penalty from \$10,000 to \$20,000 per employer, instead of the \$50,000 maximum proposed by the Executive.

\$311 Billion Infrastructure Plan

New York's \$311 billion infrastructure plan includes the Governor's \$211 billion 2020-24 plan and his \$100 billion 2015-2019 plan. The evolving plan increased by \$36 billion in the budget with the inclusion of new, key elements of the Midtown West Redevelopment of New York City beginning with Penn Station, Belmont Station Redevelopment, a \$3 billion environmental bond act, transportation programs, and additional supportive, affordable, and public housing support, along with incremental adds to existing capital programs.

MTA Bidding requirements

Extends for three years the bidding and procurement practices of the MTA and NYC Transit Authority.

Revenue

Increases the current top state personal income tax rate of 8.82 percent rate to 9.65 percent for individual filers whose income is over \$1 million and joint filers over \$2 million.

Establishes two new brackets at a rate of 10.30 percent for those whose income is between \$5 million and \$25 million and 10.90 percent for those whose income is over \$25 million.

Increases the Corporate Franchise Tax Rate from 6.5% to 7.25% for three years, while leaving the rate of 6.5% unchanged for companies with under \$5 million in income.

Issues that were included in the Governor's original budget that were acted upon outside of the budget process:

A2355A/S1042A Encourage Part-Time Work through Partial Unemployment Insurance Benefits, which has passed both Houses but not yet been delivered to the Governor, changes the calculation for Unemployment Insurance (UI) benefits paid to claimants who work part-time while they seek full-time employment to permit a claimant who is partially unemployed and eligible for benefits to be paid a reduced benefit amount equal to the difference between the claimant's benefit amount and that part of the claimant's wages for such week in excess of one hundred dollars or forty percent of the claimant's weekly benefit amount, whichever is greater.

Provide Paid Leave for COVID-19 Vaccination

Chapter 77 of the Laws of 2021 provides that all employees shall be granted up to four hours of paid leave for each COVID-19 vaccine injection unless an employee will receive more hours under a collective bargaining agreement or as otherwise authorized by an employer. And that an employee shall not be retaliated against for taking such leave.

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2021 ELECTRICAL CONTRACTOR SIGNIFICANT BILLS

With Activity other than Introduction From: 01/01/21 To: 04/21/21

Note: Assembly bills may appear out of order due to Same-As Grouping format.

Bill No.	
<u>S255A</u>	MAYER -- Requires payment of prevailing wage on public works projects for work involving the hauling and delivery of aggregate supply construction materials No same as SUMM : Amd §220, Lab L Requires prevailing wage to be paid for work performed on a public works project for any work involving the delivery to and hauling of aggregate supply construction materials, as well as any return hauls, whether empty or loaded and any time spent loading/unloading. Significant Act: 03/18/21 On Senate Calendar 592
<u>S571</u>	SANDERS -- Allows businesses to use funds received from the minority and women-owned business development and lending program for the purpose of refinancing existing debt Same as A 6420 Bichotte Hermelyn SUMM : Amd §16-c, UDC Act Allows businesses to use funds received from the minority- and women-owned business development and lending program for the purpose of refinancing existing debt. Significant Act: 03/10/21 Passed Senate referred to Assembly Committee Same-As A 6420 Significant Act: 03/17/21 Assembly Economic Development
<u>S611</u>	BENJAMIN -- Requires third party oversight over the state's contracting agency's procurement procedure Same as A 6075 Jackson SUMM : Add §316-b, Exec L Relates to requiring third party oversight over the state's contracting agency's procurement

	<p>procedure specific to the use of minority- and women-owned businesses.</p> <p>Significant Act: 01/25/21 Senate Procurement and Contracts Same-As A 6075 Significant Act: 03/09/21 Assembly Governmental Operations</p>
<u>S615</u>	<p>RAMOS -- Prohibits an employer from requesting that an employee or applicant disclose any means for accessing an electronic personal account</p> <p>Same as A 1861 Dinowitz</p> <p>SUMM : Add §201-h, Lab L Prohibits an employer from requesting or requiring that an employee or applicant disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices.</p> <p>Significant Act: 01/25/21 On Senate Calendar 113 Same-As A 1861 Significant Act: 01/11/21 Assembly Labor</p>
<u>S880</u>	<p>BRESLIN -- Relates to payment in construction contracts</p> <p>Same as A 967 Cusick</p> <p>SUMM : Amd §139-f, St Fin L; and §106-b, Gen Muni L (as proposed in S.7664 & A.9117) Relates to payment in construction contracts; specifies the meaning of "substantial completion" for the purposes of requisition payments in construction contracts.</p> <p>Significant Act: 01/20/21 Passed Senate referred to Assembly Committee Same-As A 967 Significant Act: 01/12/21 Assembly Ways and Means</p>
<u>A967</u>	<p>Cusick -- Relates to payment in construction contracts</p> <p>Same as S 880 BRESLIN</p> <p>Significant Act: 01/12/21 Assembly Ways and Means Same-As S 880 Significant Act: 01/20/21 Passed Senate referred to Assembly Committee</p>
<u>S1034B</u>	<p>GIANARIS -- Prevents occupational exposure to an airborne infectious disease</p> <p>Same as A 2681-B Reyes</p> <p>SUMM : Add §§218-b & 27-d, Lab L Prevents occupational exposure to an airborne infectious disease by implementing a model infectious disease exposure prevention standard and requiring employers to implement such model or a similar plan; provides that where an action brought by an employee under the provisions of this section, or a defense, counterclaim, or crossclaim brought by an employer in response thereto, is found upon judgment to be completely without merit in law and undertaken primarily to harass</p>

	<p>or maliciously injure another, the court may in its discretion impose sanctions against the attorney or party who brought such action, defense, counterclaim or crossclaim; makes related provisions. Significant Act: 04/20/21 Substituted By A2681B - 04/20/21 Passed Both Houses Same-As A 2681B Significant Act: 04/20/21 Passed Both Houses</p>
A2681B	<p>Reyes -- Prevents occupational exposure to an airborne infectious disease Same as S 1034-B GIANARIS Significant Act: 04/20/21 Passed Both Houses Same-As S 1034B Significant Act: 04/20/21 Substituted By A2681B - 04/20/21 Passed Both Houses</p>
S1042A	<p>RAMOS -- Relates to the calculation of weekly unemployment insurance and the repeal of certain provisions relating thereto Same as A 2355-A Stirpe SUMM : Rpld & add §523, §591 sub 3 ¶(a), and Lab L, generally Relates to the calculation of weekly unemployment insurance and the repeal of certain provisions relating thereto. Significant Act: 01/26/21 Passed Both Houses Same-As A 2355A Significant Act: 01/26/21 Substituted By S1042A - 01/26/21 Passed Both Houses</p>
A2355A	<p>STIRPE -- Relates to the calculation of weekly unemployment insurance and the repeal of certain provisions relating thereto Same as S 1042-A RAMOS Significant Act: 01/26/21 Substituted By S1042A - 01/26/21 Passed Both Houses Same-As S 1042A Significant Act: 01/26/21 Passed Both Houses</p>
S1164A	<p>KAMINSKY -- Relates to regulating employers to keep their employees safe from exposure to extreme heat Same as A 5361 Cruz SUMM : Add §218-b, Lab L Regulates employers to keep their employees safe from exposure to extreme heat by implementing heat-related illness prevention plans. Significant Act: 02/10/21 Senate Labor Same-As A 5361 Significant Act: 02/16/21 Assembly Labor</p>
S1216	<p>BENJAMIN -- Requires state contractors to submit a statement on preventing human trafficking No same as SUMM : Add §139-d-1, and §163, St Fin L Requires state contractors to submit a statement on preventing human trafficking in bids to the state and maintain a written policy for preventing</p>

	<p>human trafficking within its operations, business dealings, and supply chain and provide to the state a copy of such policy when submitting such statement.</p> <p>Significant Act: 02/10/21 On Senate Calendar 300</p>
<u>S1731</u>	<p>HOYLMAN -- Enacts the "New York state healthy and green procurement act"</p> <p>No same as</p> <p>SUMM : Amd §§160 & 161, add §164-a, St Fin L; amd §261, Ec Dev L; amd §3-0311, En Con L Enacts the "New York state healthy and green procurement act".</p> <p>Significant Act: 01/25/21 Senate Procurement and Contracts</p>
<u>S1878</u>	<p>SKOUFIS -- Relates to including the name of the individual or business enterprise that has been awarded an identical or substantially similar procurement contract in certain notices of procurement contract opportunities</p> <p>No same as</p> <p>SUMM : Amd §142, Ec Dev L Relates to including the name of the individual or business enterprise that has been awarded an identical or substantially similar procurement contract in certain notices of procurement contract opportunities.</p> <p>Significant Act: 02/10/21 On Senate Calendar 301</p>
<u>S2588A</u>	<p>GOUNARDES -- Relates to granting time off for public employees to receive a COVID 19 vaccination</p> <p>Same as A 3354-B Fall</p> <p>SUMM : Add §159-c, Civ Serv L; add §196-c, Lab l Grants time off for public employees to receive a COVID-19 vaccination.</p> <p>Significant Act: 03/01/21 Substituted By A3354B - 03/12/21 Chaptered 77</p> <p>Same-As A 3354B Significant Act: 03/12/21 Chaptered 77</p>
<u>A3354B</u>	<p>FALL -- Relates to granting time off for public employees to receive a COVID 19 vaccination</p> <p>Same as S 2588-A GOUNARDES</p> <p>Eff. Date 03/12/2021 (See Table)</p> <p>Significant Act: 03/12/21 Chaptered 77</p> <p>Same-As S 2588A Significant Act: 03/01/21 Substituted By A3354B - 03/12/21 Chaptered 77</p>
<u>S2762</u>	<p>RAMOS -- Relates to securing payment of wages for work already performed; creates an employee lien</p> <p>Same as A 766 Rosenthal L</p> <p>SUMM : Amd Lien L, generally; amd §§199-a & 663, Lab L; amd §§6201, 6210 & 6211, R6212, CPLR; amd §§624 & 630, BC L;</p>

	<p>amd §§609 & 1102, Lim Lil L Relates to securing payment of wages for work already performed; creates a lien remedy for all employees; provides grounds for attachment; relates to procedures where employees may hold shareholders of non-publicly traded corporations personally liable for wage theft; relates to rights for victims of wage theft to hold the ten members with the largest ownership interests in a company personally liable for wage theft.</p> <p>Significant Act: 04/21/21 On Senate Calendar 693 Same-As A 766 Significant Act: 01/06/21 Assembly Judiciary</p>
<u>A3350</u>	<p>JOYNER -- Relates to actions for non-payment of wages Same as S 2766 RAMOS</p> <p>Significant Act: 01/26/21 Passed Assembly referred to Senate Committee Same-As S 2766 Significant Act: 01/25/21 Senate Labor</p>
<u>S3263</u>	<p>COMRIE -- Relates to notice to unsuccessful minority- or women-owned business enterprise bidders on state contracts Same as A 5536 Bichotte Hermelyn</p> <p>SUMM : Amd §2879, Pub Auth L; amd §143, Ec Dev L Requires public corporations and agencies to provide notice to each minority- or women-owned business enterprise that unsuccessfully bid on a contract of the reason or reasons why the business enterprise was unsuccessful in obtaining the contract.</p> <p>Significant Act: 03/11/21 Passed Senate referred to Assembly Committee Same-As A 5536 Significant Act: 02/19/21 Assembly Corporations, Authorities and Commissions</p>
<u>S3390</u>	<p>BAILEY -- Relates to minority and women-owned business enterprises post completion certification, duties of the director and creating the minority and women-owned business enterprise fund Same as A 4173 Rodriguez</p> <p>SUMM : Add §314-a, amd §§311, 314 & 316, Exec L; add §97-j, St Fin L Requires post completion certifications to be completed, under penalty of perjury, that the MWBE performed the work, performed the services, or delivered the materials; that the division of minority and women's business development create an internet registry, and perform inspections of MWBEs to weed out fraud and abuse; that additional regulations to be adopted related to revocations of certifications for felony convictions for fraudulently misrepresenting the status of an MWBE; permits a court to issue fines double the amount that should have been paid to an MWBE upon conviction for felony fraud related to the MWBE program.</p>

	<p>Criminal Sanction Impact. Significant Act: 03/09/21 Senate Finance Same-As A 4173 Significant Act: 02/01/21 Assembly Governmental Operations</p>
<u>S3391</u>	<p>BAILEY -- Directs contracting state agencies to develop a growth plan in order to increase participation of MWBEs with respect to state contracts and subcontracts Same as A 6615 Rodriguez SUMM : Amd §§311 & 315, Exec L Directs contracting state agencies to develop a growth plan in order to increase participation of minority- and women-owned businesses with respect to state contracts and subcontracts. Significant Act: 04/21/21 On Senate Calendar 687 Same-As A 6615 Significant Act: 03/22/21 Assembly Governmental Operations</p>
<u>S3919A</u>	<p>SANDERS -- Relates to participation in state contracts by certified minority and women-owned business enterprises; relates to certain performance and payment bond requirements No same as SUMM : Amd §§311, 312, 313, 315 & 316, Exec L; amd §§137, 139-f & 139-g, St Fin L Relates to increased participation in state contracts and subcontracts by certified minority and women-owned business enterprises; requires quarterly reports from contracting agencies; addresses consequences if contracting agency fails to comply with reporting requirements; relates to certain performance and payment bond requirements. Significant Act: 02/09/21 Senate Procurement and Contracts</p>
<u>S5303</u>	<p>REICHLIN-MELNICK -- Relates to procurement contracts No same as SUMM : Amd §16, Chap 1 of 2005; amd §§139-j & 139-k, St Fin L Provides that a procurement contract shall mean any contract or other agreement for an article of procurement involving an estimated annualized expenditure in excess of twenty-five thousand dollars; increases such amount from fifteen thousand dollars. Significant Act: 03/11/21 On Senate Calendar 531</p>
<u>S5561A</u>	<p>KAPLAN -- Relates to the credentials of construction contractors hired to perform work on certain school facilities Same as A 6219 Griffin SUMM : Add §408-c, Ed L Requires construction contractors hired to perform work on certain school buildings and facilities to acquire a transportation worker identification credential card issued by the</p>

	<p>Transportation Security Administration prior to beginning work on such buildings and facilities.</p> <p>Significant Act: 03/23/21 Senate Children and Families Same-As A 6219 Significant Act: 03/10/21 Assembly Education</p>
<u>A4155</u>	<p>COLTON -- Requires contractors in certain large cities to recycle 50% of the waste generated on construction and demolition sites</p> <p>Same as S 6228 SANDERS</p> <p>Significant Act: 04/19/21 Assembly Ways and Means Same-As S 6228 Significant Act: 04/16/21 Senate Cities 1</p>
<u>A4874</u>	<p>PICHARDO -- Provides small businesses with grants to commercialize energy and environmental technology innovations in-state</p> <p>No same as</p> <p>SUMM : Add §16-bb, UDC Act Provides small businesses with grants of up to \$100,000 to commercialize energy and environmental technology innovations and ideas in-state to stimulate economic development.</p> <p>Significant Act: 03/17/21 Assembly Ways and Means</p>
