S T A T E O F N E W Y O R K

10655

I N A S S E M B L Y

April 13, 2010

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

AN ACT to amend the labor law, in relation to municipalities which fail to enforce prevailing wage requirements of contractors on public works projects

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 3 of section 220 of the labor law is amended by adding a new paragraph (f) to read as follows:

(F) ANY MUNICIPAL ENTITY THAT HAS ENTERED INTO SUCH CONTRACT OR A SUBCONTRACT WITH A CONTRACTOR TO PERFORM ON ANY PORTION OF SUCH CONTRACT, AND WHERE SUCH CONTRACTOR WILLFULLY PAYS AFTER ENTERING INTO SUCH CONTRACT, LESS THAN SUCH STIPULATED WAGE SCALE OR SUPPLEMENTS AS ESTABLISHED BY THE FISCAL OFFICER SHALL, UPON THE CONVICTION OF SUCH CONTRACTOR, BE SUBJECT TO FINES OF TEN PERCENT OF THE CONTRACT VALUE TO BE PAID TO THE DEPARTMENT FOR APPRENTICESHIP TRAINING PROGRAMS PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER. FOR PURPOSES OF THIS PARAGRAPH, "MUNICIPAL ENTITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, INDUSTRIAL DEVELOPMENT AGENCY, OR ANY SUBSIDIARY THEREOF.

S 2. Section 220-d of the labor law is amended by adding a new third undesignated paragraph to read as follows:

ANY MUNICIPAL ENTITY THAT HAS ENTERED INTO SUCH CONTRACT WITH A CONTRACTOR TO PERFORM ON ANY PORTION OF SUCH CONTRACT, AND WHERE SUCH CONTRACTOR WILLFULLY PAYS AFTER ENTERING INTO SUCH CONTRACT, LESS THAN SUCH STIPULATED MINIMUMS REGARDING WAGES AND SUPPLEMENTS SHALL, UPON THE CONVICTION OF SUCH CONTRACTOR, BE SUBJECT TO FINES OF TEN PERCENT OF THE CONTRACT VALUE TO BE PAID TO THE DEPARTMENT FOR APPRENTICESHIP TRAINING PROGRAMS PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER. FOR PURPOSES OF THIS PARAGRAPH, "MUNICIPAL ENTITY" SHALL MEAN ANY COUNTY, CITY, TOWN, VILLAGE, PUBLIC BENEFIT CORPORATION, PUBLIC AUTHORITY, INDUSTRIAL DEVELOPMENT AGENCY, OR ANY SUBSIDIARY THEREOF.

S 3. This act shall take effect immediately.

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

LBD01535-01-9