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

404--B

Cal. No. 733

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JOHN, NOLAN, PERRY, COLTON, ROSENTHAL, ESPAILLAT -- Multi-Sponsored by -- M. of A. LATIMER, PHEFFER, SKARTADOS -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the labor law, in relation to workers on excavations

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

Section 1. The labor law is amended by adding a new section 28 to read as follows:

S 28. WORKERS ON EXCAVATIONS. UTILITY COMPANIES OR THEIR CONTRACTORS, TO WHOM A PERMIT MAY BE ISSUED BY THE STATE, A COUNTY OR A MUNICIPALITY TO USE OR OPEN A STREET, SHALL BE REQUIRED, BEFORE SUCH PERMIT SHALL BE ISSUED, TO ENTER INTO AN AGREEMENT THAT ONLY COMPETENT WORKERS SKILLED IN THE WORK REQUIRED OF THEM, SHALL BE EMPLOYED ON THE PROJECT FOR WHICH SUCH PERMIT TO USE OR OPEN A STREET WAS ISSUED, AND THAT THE PREVAILING WAGE FOR SIMILAR TITLES AS ESTABLISHED BY THE FISCAL OFFICER PURSUANT TO SECTION TWO HUNDRED TWENTY OF THIS CHAPTER, BE PAID TO THOSE SO EMPLOYED. NO PERMIT SHALL BE ISSUED UNTIL SUCH AGREEMENT SHALL HAVE BEEN ENTERED INTO WITH THE APPROPRIATE STATE, COUNTY OR MUNICIPAL AGENCY, AND ALL PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL INCLUDE THEREIN A COPY OF THIS SECTION. WHEN PERMITS ARE ISSUED TO UTILITY COMPANIES OR THEIR CONTRACTORS, THE POWER TO ENFORCE THE TERMS OF THIS SECTION SHALL BE VESTED WITH THE DEPARTMENT CONSISTENT WITH THE PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THIS CHAPTER.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.

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

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