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

6683

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. P. RIVERA, LUPARDO, POWELL, PHEFFER, EDDINGTON, CYMBROWITZ, V. LOPEZ, MORELLE -- Multi-Sponsored by -- M. of A. BOYLAND, CHRISTENSEN, DIAZ, GANTT, McENENY, PEOPLES, RAMOS, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Labor

AN ACT to establish a temporary commission to study the impact of certain requirements for the construction, repair and demolition of buildings, and for excavation, upon minority and women-owned business enterprises; and providing for the repeal of such provisions upon expiration thereof

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

Section 1. A temporary state commission is hereby established to examine, evaluate and make recommendations on the impact of the duties and liabilities imposed by sections 240 (scaffolding and other devices for use of employees) and 241 (construction, excavation and demolition work) of the labor law has on minority and women-owned business enterprises, as defined in article 15-A of the executive law, and the impact of construction related accidents on minority and female workers. The commission shall review, with particular care:

(a) the financial impact of sections 240 and 241 of the labor law on minority and women-owned business enterprises;

(b) the impact of such sections on the ability of minority and women-owned business enterprises to compete for contracts;

(c) the impact of such sections on the survival and growth of minority and women-owned business enterprises;

(d) the impact of the state of New York being the only state to have such provisions of law in effect;

(e) what other states do so as to allow them not to have such provisions of law in effect;

(f) injuries suffered by minority and female workers in the construction industry.

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

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S 2. The commission shall consist of 11 members to be appointed as follows: 5 members shall be appointed by the governor, 3 members shall be appointed by the temporary president of the senate and 3 members shall be appointed by the speaker of the assembly. The governor shall designate the chair of the commission from among his or her appointees. Vacancies in the membership of the commission shall be filled in the manner provided for original appointments.

S 3. The commission may meet within and without the state, shall hold public hearings, and shall have all the powers of a legislative committee pursuant to the legislative law.

S 4. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this act.

S 5. To the maximum extent feasible, the commission shall be entitled to request and receive, and shall utilize and be provided with such facilities, resources and data of any court, department, division, board, bureau, commission or agency of the state or any political subdivision thereof as it may reasonably request to carry out properly its powers and duties pursuant to this act.

S 6. The commission shall submit a report to the governor and the legislature of its findings, conclusions and recommendations within one hundred eighty days of the effective date of this act. Such recommendations shall include:

(a) statutory changes to sections 240 and 241 of the labor law which will minimize the impact of such sections on minority and women-owned business enterprises;

(b) the establishment of standards that will improve job site safety and preserve the right of injured persons to recover damages; and

(c) any other recommendations the commission deems necessary.

S 7. This act shall take effect immediately and shall expire and be deemed repealed 181 days after such effective date.