

632--A

2009-2010 Regular Sessions

I N S E N A T E

January 9, 2009

Introduced by Sens. FUSCHILLO, ONORATO, LARKIN -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1 Section 1. The labor law is amended by adding a new section 28 to read  
2 as follows:  
3 S 28. WORKERS ON EXCAVATIONS. UTILITY COMPANIES OR THEIR CONTRACTORS,  
4 TO WHOM A PERMIT MAY BE ISSUED BY THE STATE, A COUNTY OR A MUNICIPALITY  
5 TO USE OR OPEN A STREET, SHALL BE REQUIRED, BEFORE SUCH PERMIT SHALL BE  
6 ISSUED, TO ENTER INTO AN AGREEMENT THAT ONLY COMPETENT WORKERS SKILLED  
7 IN THE WORK REQUIRED OF THEM, SHALL BE EMPLOYED ON THE PROJECT FOR WHICH  
8 SUCH PERMIT TO USE OR OPEN A STREET WAS ISSUED, AND THAT THE PREVAILING  
9 WAGE FOR SIMILAR TITLES AS ESTABLISHED BY THE FISCAL OFFICER PURSUANT TO  
10 SECTION TWO HUNDRED TWENTY OF THIS CHAPTER, BE PAID TO THOSE SO  
11 EMPLOYED. NO PERMIT SHALL BE ISSUED UNTIL SUCH AGREEMENT SHALL HAVE BEEN  
12 ENTERED INTO WITH THE APPROPRIATE STATE, COUNTY OR MUNICIPAL AGENCY, AND  
13 ALL PERMITS ISSUED AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL  
14 INCLUDE THEREIN A COPY OF THIS SECTION. WHEN PERMITS ARE ISSUED TO UTIL-  
15 ITY COMPANIES OR THEIR CONTRACTORS, THE POWER TO ENFORCE THE TERMS OF  
16 THIS SECTION SHALL BE VESTED WITH THE DEPARTMENT CONSISTENT WITH THE  
17 PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THIS CHAPTER.  
18 S 2. This act shall take effect immediately.

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

LBD00911-03-0