

1 HEALTH, USE OF PROPER LIGHTING, SAFETY OF LIVING CONDITIONS FOR WORKERS,
2 SAFETY OF SITE LOCATION, INCLUDING STABILITY OF GROUND SURFACES NECES-
3 SARY TO SUPPORT ALL EQUIPMENT USED AT DRILLING SITES, AND REQUIRED DURA-
4 TION OF TRAINING.

5 2. THE RULES AND REGULATIONS ISSUED PURSUANT TO SUBDIVISION ONE OF
6 THIS SECTION SHALL BE PRINTED IN ENGLISH IN AT LEAST FOURTEEN POINT TYPE
7 AND CONSPICUOUSLY POSTED IN A VISIBLE AND PROMINENT LOCATION AT EACH OIL
8 AND GAS DRILLING SITE LOCATION.

9 S 927. APPLICABILITY OF THE WORKERS' COMPENSATION LAW. PURSUANT TO
10 SECTION THREE OF THE WORKERS' COMPENSATION LAW, ALL EMPLOYEES ENGAGED IN
11 OIL AND GAS DRILLING OPERATIONS IN THE STATE OF NEW YORK SHALL BE
12 CONSIDERED TO BE ENGAGED IN HAZARDOUS EMPLOYMENT, FOR WHICH COMPENSATION
13 SHALL BE PAYABLE FOR INJURIES OR DEATH INCURRED BY SUCH EMPLOYEES IN THE
14 COURSE OF SUCH HAZARDOUS EMPLOYMENT. IN THE EVENT ANY COVERED EMPLOYER
15 CONDUCTING OIL AND GAS DRILLING OPERATIONS IN THIS STATE FAILS TO MAKE
16 PROVISION OF PAYMENT OF DISABILITY BENEFITS AS REQUIRED BY SECTION TWO
17 HUNDRED ELEVEN OF THE WORKERS' COMPENSATION LAW, SUCH EMPLOYER SHALL BE
18 SUBJECT TO THE PENALTIES SET FORTH IN SECTION TWO HUNDRED TWENTY OF THE
19 WORKERS' COMPENSATION LAW.

20 S 928. SPECIAL REQUIREMENTS. ALL APPLICANTS FOR A NEW DRILLING PERMIT
21 FOR AN OIL AND GAS DRILLING OPERATION SHALL UTILIZE UNION LABORERS;
22 AND/OR LABORERS WHO HAVE BEEN TRAINED OR ARE UNDERGOING TRAINING, APPRO-
23 PRIATE FOR THE TYPE OF AND SCOPE OF WORK TO BE PERFORMED, WHERE SUCH
24 TRAINING IS THROUGH A VALID DEPARTMENT APPRENTICESHIP PROGRAM PURSUANT
25 TO ARTICLE TWENTY-THREE OF THIS CHAPTER, OR AN EDUCATIONAL INSTITUTION
26 OR SCHOOL CHARTERED, LICENSED OR REGISTERED BY THE DEPARTMENT OF EDUCA-
27 TION, OR A PROVIDER APPROVED BY THE DEPARTMENT OF EDUCATION. FOLLOWING
28 COMPLETION OF TRAINING REQUIRED BY THIS SECTION, A CERTIFICATE OF
29 COMPLETION SHALL BE ISSUED BY SUCH DEPARTMENT APPRENTICESHIP PROGRAM,
30 EDUCATIONAL INSTITUTION, SCHOOL OR PROVIDER, AND SHALL BE CONSPICUOUSLY
31 POSTED AT EACH SITE LOCATION WHERE THE HOLDER OF THE CERTIFICATE IS
32 EMPLOYED AND SHALL BE MADE AVAILABLE TO THE PUBLIC UPON REQUEST. ANY
33 SUBCONTRACTORS OR OTHER INDEPENDENT CONTRACTORS AT SUCH PERMITTED SITES
34 SHALL ALSO AGREE TO THE EMPLOYMENT OF OR CONTRACTUAL RELATION WITH THE
35 SAME TYPE OF LABORERS. NOTWITHSTANDING THE FOREGOING, NOTHING IN THIS
36 SECTION SHALL BE CONSTRUED TO MANDATE AN EMPLOYER OR CONTRACTOR THAT IS
37 SUBJECT TO THE PROVISIONS OF THIS SECTION TO EXCLUSIVELY REQUIRE THE USE
38 OF UNION LABOR AT A CONSTRUCTION SITE OR TO BE IN VIOLATION OF ANY
39 FEDERAL PROHIBITION REGARDING THE SAME.

40 S 929. REPORTS OF INJURIES. 1. A DRILLING PERMIT HOLDER MUST REPORT TO
41 THE COMMISSIONER ANY WORKPLACE ACCIDENT OCCURRING AT THE OIL OR GAS
42 DRILLING LOCATION BY THE CLOSE OF BUSINESS OF THE COMMISSIONER'S NEXT
43 BUSINESS DAY. IN THE EVENT A DRILLING PERMIT HOLDER FAILS TO REPORT ANY
44 WORKPLACE ACCIDENT PURSUANT TO THIS SUBDIVISION, THE COMMISSIONER MAY BY
45 ORDER WHICH PARTICULARLY DESCRIBES THE NATURE OF THE VIOLATION, ASSESS
46 THE PERMIT HOLDER A CIVIL PENALTY OF NOT MORE THAN ONE THOUSAND DOLLARS
47 FOR THE FIRST SUCH VIOLATION, NOT MORE THAN TWO THOUSAND DOLLARS FOR A
48 SECOND VIOLATION AND NOT MORE THAN THREE THOUSAND DOLLARS FOR A THIRD OR
49 SUBSEQUENT VIOLATION. SUCH PENALTY SHALL BE PAID TO THE COMMISSIONER FOR
50 DEPOSIT IN THE TREASURY OF THE STATE. IN ASSESSING THE AMOUNT OF THE
51 PENALTY, THE COMMISSIONER SHALL GIVE DUE CONSIDERATION TO THE SIZE OF
52 THE EMPLOYER'S BUSINESS, THE GOOD FAITH OF THE EMPLOYER, THE HISTORY OF
53 PREVIOUS VIOLATIONS AND THE FAILURE WITH ANY OTHER RECORD-KEEPING
54 REQUIREMENTS.

55 2. THE COMMISSIONER MUST PUBLISH A QUARTERLY REPORT ON ALL WORKPLACE
56 ACCIDENTS OCCURRING AT OIL OR GAS DRILLING LOCATIONS. SUCH QUARTERLY

1 REPORTS SHALL BE AVAILABLE FOR PUBLIC REVIEW, IN WRITING AND VIA AN
2 ONLINE FORMAT ON THE DEPARTMENT'S WEBSITE.
3 S 2. This act shall take effect on the one hundred twentieth day after
4 it shall have become a law; provided, however, that effective immediate-
5 ly, the addition, amendment and/or repeal of any rule or regulation
6 necessary for the implementation of this act on its effective date is
7 authorized and directed to be made and completed on or before such
8 effective date; and provided further that no new permits or renewal
9 permits for oil and gas drilling shall be issued until the rules and
10 regulations referred to in section one of this act take effect.