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

3398

2009-2010 Regular Sessions

I N S E N A T E

March 18, 2009

Introduced by Sens. ONORATO, ADDABBO, AUBERTINE, DIAZ, HASSELL-THOMPSON, HUNTLEY, OPPENHEIMER, PERKINS, SAVINO, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to making contractors ineligible to bid for a public work contract if prevailing rate wages and supplements due from a prior public work contract remain unpaid

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

Section 1. Paragraph b of subdivision 3 of section 220-b of the labor law is amended by adding a new subparagraph 1-a to read as follows:

(1-A) WHEN A FINAL DETERMINATION HAS BEEN RENDERED AGAINST A CONTRACTOR, SUBCONTRACTOR, SUCCESSOR, OR ANY SUBSTANTIALLY-OWNED AFFILIATED ENTITY OF THE CONTRACTOR OR SUBCONTRACTOR, ANY OF THE PARTNERS IF THE CONTRACTOR OR SUBCONTRACTOR IS A PARTNERSHIP, ANY OFFICER OF THE CONTRACTOR OR SUBCONTRACTOR WHO KNOWINGLY PARTICIPATED IN THE VIOLATION OF THIS ARTICLE, ANY OF THE SHAREHOLDERS WHO OWN OR CONTROL AT LEAST TEN PER CENTUM OF THE OUTSTANDING STOCK OF THE CONTRACTOR OR SUBCONTRACTOR OR ANY SUCCESSOR HAS WILFULLY FAILED TO PAY THE PREVAILING RATE OF WAGES OR TO PROVIDE SUPPLEMENTS IN ACCORDANCE WITH THIS ARTICLE, WHETHER SUCH FAILURES WERE CONCURRENT OR CONSECUTIVE, SUCH CONTRACTOR, SUBCONTRACTOR, SUCCESSOR, OR ANY SUBSTANTIALLY-OWNED AFFILIATED ENTITY OF THE CONTRACTOR OR SUBCONTRACTOR, ANY OF THE PARTNERS IF THE CONTRACTOR OR SUBCONTRACTOR IS A PARTNERSHIP OR ANY OF THE SHAREHOLDERS WHO OWN OR CONTROL AT LEAST TEN PER CENTUM OF THE OUTSTANDING STOCK OF THE CONTRACTOR OR SUBCONTRACTOR, ANY OFFICER OF THE CONTRACTOR OR SUBCONTRACTOR WHO KNOWINGLY PARTICIPATED IN THE VIOLATION OF THIS ARTICLE SHALL BE INELIGIBLE TO SUBMIT A BID ON OR BE AWARDED ANY PUBLIC WORK CONTRACT OR SUBCONTRACT WITH THE STATE, ANY MUNICIPAL CORPORATION OR PUBLIC BODY UNLESS AND UNTIL ALL PREVAILING RATES OF WAGES AND SUPPLEMENTS DUE FROM ALL PRIOR PUBLIC WORK CONTRACTS HAVE BEEN PAID.

S 2. This act shall take effect immediately.

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

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