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

5538--A

Cal. No. 356

2009-2010 Regular Sessions

I N S E N A T E

May 14, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the state finance law, in relation to bids for the purchasing of services or commodities by state agencies submitted by bidders who do business with a nation identified as a state sponsor of terrorism

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

Section 1. The state finance law is amended by adding a new section 169 to read as follows:

S 169. PURCHASING SERVICES AND COMMODITIES; PROHIBITION AGAINST STATE SPONSORED TERRORISM. 1. ANY STATE AGENCY PROCURING SERVICES OR COMMODITIES BY AN INVITATION FOR BID, A REQUEST FOR PROPOSALS OR ANY OTHER APPROVED MEANS OF SOLICITATION SHALL REQUIRE THAT EACH BID SUBMITTED SHALL DISCLOSE WHETHER OR NOT THE BIDDER, OR ANY SUBSIDIARY OF SUCH BIDDER, WHETHER FROM THE UNITED STATES OR A FOREIGN COUNTRY, IS CURRENTLY DOING BUSINESS WITH A NATION IDENTIFIED AS A STATE SPONSOR OF TERRORISM. IF DISCLOSURE IS MADE THAT SUCH BIDDER OR SUBSIDIARY HAS ENGAGED IN BUSINESS WITH A NATION IDENTIFIED AS A STATE SPONSOR OF TERRORISM, SUCH STATE AGENCY MAY REJECT SUCH BID, REGARDLESS OF WHETHER OR NOT SUCH BID OFFERS THE LOWEST PRICE OR THE BEST VALUE AMONG BIDS SUBMITTED.

2. FOR PURPOSES OF THIS SECTION THE TERM "NATION IDENTIFIED AS A STATE SPONSOR OF TERRORISM" SHALL BE AS DEFINED BY THE UNITED STATES DEPARTMENT OF STATE.

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, COMPANIES CURRENTLY DOING BUSINESS IN OR WITH A NATION IDENTIFIED AS A STATE SPONSOR OF TERRORISM SHALL INCLUDE THOSE COMPANIES THAT THE COMP-

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

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TROLLER DETERMINES PROVIDE MILITARY EQUIPMENT, ARMS, OR DEFENSE SUPPLIES TO ANY DOMESTIC PARTY IN SUCH NATION INCLUDING ITS GOVERNMENT AND REBELS OR ANY EQUIPMENT THAT MAY BE READILY CO-OPTED FOR MILITARY USE INCLUDING RADAR SYSTEMS AND MILITARY-GRADE TRANSPORT VEHICLES, UNLESS THAT COMPANY HAS IMPLEMENTED SAFEGUARDS AGAINST SUCH CO-OPTION.

4. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, COMPANIES CURRENTLY DOING BUSINESS IN OR WITH A NATION IDENTIFIED AS A STATE SPONSOR OF TERRORISM SHALL NOT INCLUDE THOSE COMPANIES THAT THE COMPTROLLER DETERMINES EITHER DIRECTLY OR THROUGH AN AFFILIATED INSTRUMENTALITY, PROVIDE SERVICES CLEARLY DEDICATED TO SOCIAL DEVELOPMENT FOR THE WHOLE NATION. SUCH ENTITIES INCLUDE, BUT ARE NOT LIMITED TO, THOSE PROVIDING MEDICINE AND MEDICAL EQUIPMENT, AGRICULTURAL SUPPLIES AND AGRICULTURAL INFRASTRUCTURE, EDUCATIONAL OPPORTUNITIES, JOURNALISM-RELATED ACTIVITIES, AND GENERAL CONSUMER GOODS.

S 2. This act shall take effect immediately.