

6180

2009-2010 Regular Sessions

I N   S E N A T E

September 21, 2009

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Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and  
when printed to be committed to the Committee on Rules

AN ACT to amend the state finance law, in relation to contracts entered  
into by a state agency for the procurement of equipment, materials or  
supplies

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

1     Section 1. The state finance law is amended by adding a new section  
2     148 to read as follows:  
3     S 148. PROHIBITION AGAINST FORCED LABOR. 1. EVERY CONTRACT ENTERED  
4     INTO BY ANY STATE AGENCY FOR THE PROCUREMENT OF EQUIPMENT, MATERIALS, OR  
5     SUPPLIES SHALL CONTAIN A STATEMENT IN WHICH THE CONTRACTOR ATTESTS THAT  
6     NO FOREIGN-MADE EQUIPMENT, MATERIALS, OR SUPPLIES FURNISHED TO THE STATE  
7     PURSUANT TO THE CONTRACT HAVE BEEN PRODUCED IN WHOLE OR IN PART BY  
8     FORCED LABOR, CONVICT LABOR, OR INDENTURED LABOR UNDER PENAL SANCTION.  
9     2. ANY CONTRACTOR CONTRACTING WITH THE STATE WHO FURNISHES  
10    FOREIGN-MADE EQUIPMENT, MATERIALS, OR SUPPLIES PRODUCED IN WHOLE OR IN  
11    PART BY FORCED LABOR, CONVICT LABOR, OR INDENTURED LABOR UNDER PENAL  
12    SANCTION, AFTER PROVIDING A STATEMENT PURSUANT TO SUBDIVISION ONE OF  
13    THIS SECTION, SHALL HAVE THE CONTRACT VOIDED, SHALL BE ASSESSED A PENAL-  
14    TY OF ONE THOUSAND DOLLARS OR AN AMOUNT EQUALING TWENTY PERCENT OF THE  
15    VALUE OF THE EQUIPMENT, MATERIALS, OR SUPPLIES, WHICHEVER IS GREATER,  
16    AND SHALL BE PROHIBITED FROM BIDDING FOR A PERIOD NOT TO EXCEED THREE  
17    HUNDRED SIXTY DAYS.  
18    3. WHEN IMPOSING THE SANCTIONS DESCRIBED IN SUBDIVISION TWO OF THIS  
19    SECTION, THE CONTRACTING AGENCY SHALL PROVIDE FOR A FAIR HEARING AND  
20    NOTICE. THE AGENCY SHALL TAKE INTO CONSIDERATION ANY MEASURES THE  
21    CONTRACTOR HAS TAKEN TO ENSURE COMPLIANCE WITH THIS SECTION, AND MAY  
22    WAIVE ANY OR ALL OF THE SANCTIONS IF IT DETERMINES THAT THE CONTRACTOR  
23    HAS ACTED IN GOOD FAITH.

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

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1       4. FOR PURPOSES OF THIS SECTION, THE TERM "FORCED LABOR" SHALL HAVE  
2 THE SAME MEANING AS IN SECTION 1307 OF TITLE 19 OF THE UNITED STATES  
3 CODE.  
4       S 2. This act shall take effect on the sixtieth day after it shall  
5 have become a law.