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

2272

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

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

AN ACT to amend the executive law, in relation to prohibiting the state and certain public benefit corporations from providing any funding or assistance to any entity that provides any support, material or otherwise, to the terrorist organizations Hamas, Hezbollah, or Islamic Jihad and prohibiting contracts with entities that fund or assist Hamas, Hezbollah, or Islamic Jihad

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

Section 1. Declaration of legislative findings and intent. The state is concerned about the establishment of peace in the Middle East and threats to the process. The greatest threats to that process stem from the organizations known as Hamas, Hezbollah, and Islamic Jihad, one or more of which have been linked to terrorist activities in the United States as well. Substantial funds from the United States have been transferred to areas in the Middle East, and terrorist organizations in this area have received and made expenditures of such funds. One way to minimize support to terrorist organizations throughout the Middle East is to prohibit the payment of state funds and deny state contracts to any entity that provides assistance of any kind to Hamas, Hezbollah, or Islamic Jihad.

S 2. The executive law is amended by adding a new section 161-a to read as follows:

S 161-A. PROHIBITING THE STATE AND CERTAIN PUBLIC BENEFIT CORPORATIONS FROM PROVIDING FINANCIAL ASSISTANCE TO OR ENTERING INTO A CONTRACT WITH HAMAS, HEZBOLLAH, OR ISLAMIC JIHAD. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF ANY GENERAL OR SPECIAL LAW OR RESOLUTION, NEITHER THE STATE NOR ANY STATE AGENCY (MEANING (I) ANY STATE DEPARTMENT, OR (II) ANY DIVISION, BOARD, COMMISSION, OR BUREAU OF ANY STATE DEPARTMENT, OR (III) THE STATE UNIVERSITY OF NEW YORK AND THE CITY UNIVERSITY OF NEW

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

LBD06952-01-1

YORK, INCLUDING ALL THEIR CONSTITUENT UNITS, EXCEPT COMMUNITY COLLEGES AND THE INDEPENDENT INSTITUTIONS OPERATING STATUTORY OR CONTRACT COLLEGES ON BEHALF OF THE STATE, OR (IV) A BOARD, A MAJORITY OF WHOSE MEMBERS ARE APPOINTED BY THE GOVERNOR OR WHO SERVE BY VIRTUE OF BEING STATE OFFICERS OR EMPLOYEES AS DEFINED IN SUBPARAGRAPH (I), (II) OR (III) OF PARAGRAPH (I) OF SUBDIVISION ONE OF SECTION SEVENTY-THREE OF THE PUBLIC OFFICERS LAW, OR (V) ANY PUBLIC AUTHORITY, OTHER THAN MULTI-STATE AUTHORITIES, PUBLIC BENEFIT CORPORATION, AND COMMISSION AT LEAST ONE OF WHOSE MEMBERS IS APPOINTED BY THE GOVERNOR), NOR THE LEGISLATIVE AND JUDICIAL BRANCHES OF GOVERNMENT, NOR ANY FUND OF ANY OF THE FOREGOING, NOR ANY OFFICER OF ANY OF THE FOREGOING, SHALL:

1. USE ITS MONIES TO PAY ANY INDIVIDUAL, CORPORATION, ORGANIZATION, OR GOVERNMENT THAT SENDS, CONVEYS, SOLICITS, DISTRIBUTES, OR CHANNELS FUNDS, MATERIAL SUPPORT, OR RESOURCES, EITHER DIRECTLY OR INDIRECTLY, TO THE TERRORIST ORGANIZATIONS HAMAS, HEZBOLLAH, OR ISLAMIC JIHAD, OR A REPRESENTATIVE OF SUCH TERRORIST ORGANIZATIONS; OR

2. CONTRACT FOR THE SUPPLY OF GOODS, SERVICES, OR CONSTRUCTION WITH ANY CONTRACTOR WHO DOES NOT AGREE TO STIPULATE TO THE FOLLOWING AS A MATERIAL CONDITION OF THE CONTRACT: THE CONTRACTOR, ANY FRANCHISER OF THE CONTRACTOR, AND ANY SUBCONTRACTOR TO BE EMPLOYED BY THE CONTRACTOR SHALL NOT SEND, CONVEY, SOLICIT, DISTRIBUTE, OR CHANNEL FUNDS, MATERIAL SUPPORT, OR RESOURCES TO THE TERRORIST ORGANIZATIONS HAMAS, HEZBOLLAH, OR ISLAMIC JIHAD, OR A REPRESENTATIVE OF SUCH TERRORIST ORGANIZATIONS. ADDITIONALLY, ANY CONTRACTOR, FRANCHISER OF THE CONTRACTOR, AND ANY SUBCONTRACTOR TO BE EMPLOYED BY THE CONTRACTOR SHALL CERTIFY THAT IT IS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. SUCH CERTIFICATION SHALL BE FILED WITH THE STATE GOVERNMENTAL CONTRACTING PARTY AND MADE A PART OF ITS CONTRACT FILE.

3. UPON RECEIVING INFORMATION THAT A CONTRACTOR WHO HAS MADE THE STIPULATION AND CERTIFICATION REQUIRED BY THIS SECTION IS IN VIOLATION THEREOF, THE STATE GOVERNMENTAL CONTRACTING PARTY SHALL REVIEW SUCH INFORMATION AND OFFER THE CONTRACTOR AN OPPORTUNITY TO RESPOND. IF THE STATE GOVERNMENTAL CONTRACTING PARTY FINDS THAT A VIOLATION HAS OCCURRED, IT SHALL TAKE SUCH ACTION AS MAY BE APPROPRIATE AND PROVIDED FOR BY LAW, RULE, OR REGULATION, OR CONTRACT, INCLUDING, BUT NOT LIMITED TO, IMPOSING SANCTIONS, SEEKING COMPLIANCE, RECOVERING DAMAGES, DECLARING THE CONTRACTOR IN DEFAULT, AND SEEKING DEBARMENT OR SUSPENSION OF THE CONTRACTOR.

S 3. If any provision of this act or the application thereof is held invalid, the remainder of this act and the application thereof to other persons or circumstances shall not be affected by such holding and shall remain in full force and effect.

S 4. This act shall take effect immediately.