

5909

2011-2012 Regular Sessions

I N S E N A T E

October 7, 2011

Introduced by Sens. RITCHIE, GRIFFO -- 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 prompt payment to
counties from the state

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

1 Section 1. Subdivision 1 of section 179-f of the state finance law, as
2 amended by chapter 332 of the laws of 1989, is amended to read as
3 follows:
4 1. Each state agency which is required to make a payment from state
5 funds pursuant to a contract and which does not make such contract
6 payment by the required payment date shall make an interest payment to
7 the contractor OR COUNTY GOVERNMENT in accordance with this article, OR
8 OTHER PROVISIONS OF LAW, on the amount of the contract payment which is
9 due, unless failure to make such contract payment is the result of a
10 lien, attachment, or other legal process against the money due said
11 contractor OR COUNTY GOVERNMENT, or unless the amount of the interest
12 payment as computed in accordance with the provisions of section one
13 hundred seventy-nine-g of this article is less than ten dollars. A pro
14 rata share of such interest shall be paid by the contractor or subcon-
15 tractor, as the case may be, to subcontractors and materialmen in a
16 proportion equal to the percentage of their pro rata share of the
17 contract payment. Such pro rata share of interest shall be due to such
18 subcontractors and materialmen only for those payments which are not
19 paid to such subcontractors and materialmen prior to the date upon which
20 interest begins to accrue between the state agency and the contractor.
21 Such pro rata share of interest shall be computed daily until such
22 payments are made to the subcontractors and materialmen.
23 S 2. This act shall take effect on the ninetieth day after it shall
24 have become a law.

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

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