

8668

2011-2012 Regular Sessions

I N A S S E M B L Y

October 27, 2011

Introduced by M. of A. SILVER, FARRELL, CANESTRARI, LAVINE, WEINSTEIN, ENGLEBRIGHT, GLICK, MORELLE, P. RIVERA, CAHILL -- Multi-Sponsored by -- M. of A. BENEDETTO, BRAUNSTEIN, BRINDISI, COLTON, COOK, CRESPO, CYMBROWITZ, DINOWITZ, ESPINAL, GABRYSZAK, GOLDFEDER, GOTTFRIED, HOOPER, JACOBS, LANCMAN, LATIMER, LIFTON, MAGEE, MAISEL, MARKEY, McENENY, NOLAN, ORTIZ, PAULIN, PEOPLES-STOKES, REILLY, ROBERTS, RYAN, SCARBOROUGH, SCHIMEL, SIMANOWITZ, SIMOTAS, SPANO, SWEENEY, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law and the general municipal law, in relation to enacting the Iran divestment act of 2012

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

1 Section 1. This act shall be known and may be cited as the "Iran  
2 Divestment Act of 2012".  
3 S 2. The legislature hereby finds and declares all of the following:  
4 (a) In imposing United States sanctions on Iran, Congress and the  
5 President have determined that the illicit nuclear activities of the  
6 Government of Iran, combined with its development of unconventional  
7 weapons and ballistic missiles, and its support of international terror-  
8 ism, represent a serious threat to the security of the United States,  
9 Israel, and other United States allies in Europe, the Middle East, and  
10 around the world.  
11 (b) The International Atomic Energy Agency has repeatedly called  
12 attention to Iran's unlawful nuclear activities, and, as a result, the  
13 United Nations Security Council has adopted a range of sanctions  
14 designed to encourage the government of Iran to cease those activities  
15 and comply with its obligations under the Treaty on the Non-Prolifera-  
16 tion of Nuclear Weapons (commonly known as the "Nuclear Non-Prolifera-  
17 tion Treaty").

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

LBD13338-07-1

1 (c) On July 1, 2010, President Barack Obama signed into law H.R.  
2 2194, the "Comprehensive Iran Sanctions, Accountability, and Divestment  
3 Act of 2010" (Public Law 111-195), which expressly authorizes states and  
4 local governments to prevent investment in, including prohibiting entry  
5 into or renewing contracts with, companies operating in Iran's energy  
6 sector with investments that have the result of directly or indirectly  
7 supporting the efforts of the government of Iran to achieve nuclear  
8 weapons capability.

9 (d) The serious and urgent nature of the threat from Iran demands that  
10 states, local governments, and private institutions work together with  
11 the federal government and American allies to do everything possible  
12 diplomatically, politically, and economically to prevent Iran from  
13 acquiring a nuclear weapons capability.

14 (e) The human rights situation in Iran has steadily deteriorated as  
15 punctuated by transparently fraudulent elections and the brutal  
16 repression and murder, arbitrary arrests, and show trials of peaceful  
17 dissidents.

18 (f) The concerns of the state of New York regarding Iran are strictly  
19 the result of the actions of the government of Iran and should not be  
20 construed as enmity towards the Iranian people.

21 (g) In order to effectively address the need for the governments of  
22 this state to respond to the policies of Iran in a uniform fashion,  
23 prohibiting contracts with persons engaged in investment activities in  
24 the energy sector of Iran must be accomplished on a statewide basis.

25 (h) It is the intent of the legislature to implement the authority  
26 granted under Section 202 of the Comprehensive Iran Sanctions, Account-  
27 ability, and Divestment Act of 2010 (Public Law 111-195).

28 S 3. The state finance law is amended by adding a new section 165-a to  
29 read as follows:

30 S 165-A. IRAN DIVESTMENT. 1. AS USED IN THIS SECTION, THE FOLLOWING  
31 DEFINITIONS SHALL APPLY:

32 (A) "ENERGY SECTOR" OF IRAN MEANS ACTIVITIES TO DEVELOP PETROLEUM OR  
33 NATURAL GAS RESOURCES OR NUCLEAR POWER IN IRAN.

34 (B) "FINANCIAL INSTITUTION" MEANS THE TERM AS USED IN SECTION 14 OF  
35 THE IRAN SANCTIONS ACT OF 1996 (PUBLIC LAW 104-172; 50 U.S.C. 1701  
36 NOTE).

37 (C) "INVESTMENT" MEANS A COMMITMENT OR CONTRIBUTION OF FUNDS OR PROP-  
38 erty, A LOAN OR OTHER EXTENSION OF CREDIT; AND THE ENTRY INTO OR RENEWAL  
39 OF A CONTRACT FOR GOODS OR SERVICES.

40 (D) "IRAN" INCLUDES THE GOVERNMENT OF IRAN AND ANY AGENCY OR INSTRU-  
41 MENTALITY OF IRAN.

42 (E) "PERSON" MEANS ANY OF THE FOLLOWING:

43 (1) A NATURAL PERSON, CORPORATION, COMPANY, LIMITED LIABILITY COMPANY,  
44 BUSINESS ASSOCIATION, PARTNERSHIP, SOCIETY, TRUST, OR ANY OTHER NONGOV-  
45 ERNMENTAL ENTITY, ORGANIZATION, OR GROUP.

46 (2) ANY GOVERNMENTAL ENTITY OR INSTRUMENTALITY OF A GOVERNMENT,  
47 INCLUDING A MULTILATERAL DEVELOPMENT INSTITUTION, AS DEFINED IN SECTION  
48 1701(C)(3) OF THE INTERNATIONAL FINANCIAL INSTITUTIONS ACT (22 U.S.C.  
49 262R(C)(3)).

50 (3) ANY SUCCESSOR, SUBUNIT, PARENT ENTITY, OR SUBSIDIARY OF, OR ANY  
51 ENTITY UNDER COMMON OWNERSHIP OR CONTROL WITH, ANY ENTITY DESCRIBED IN  
52 SUBPARAGRAPH ONE OR TWO OF THIS PARAGRAPH.

53 2. FOR PURPOSES OF THIS SECTION, A PERSON ENGAGES IN INVESTMENT ACTIV-  
54 ITIES IN IRAN IF:

55 (A) THE PERSON PROVIDES GOODS OR SERVICES OF TWENTY MILLION DOLLARS OR  
56 MORE IN THE ENERGY SECTOR OF IRAN, INCLUDING A PERSON THAT PROVIDES OIL

1 OR LIQUEFIED NATURAL GAS TANKERS, OR PRODUCTS USED TO CONSTRUCT OR MAIN-  
2 TAIN PIPELINES USED TO TRANSPORT OIL OR LIQUEFIED NATURAL GAS, FOR THE  
3 ENERGY SECTOR OF IRAN; OR

4 (B) THE PERSON IS A FINANCIAL INSTITUTION THAT EXTENDS TWENTY MILLION  
5 DOLLARS OR MORE IN CREDIT TO ANOTHER PERSON, FOR FORTY-FIVE DAYS OR  
6 MORE, IF THAT PERSON WILL USE THE CREDIT TO PROVIDE GOODS OR SERVICES IN  
7 THE ENERGY SECTOR IN IRAN AND IS IDENTIFIED ON A LIST CREATED PURSUANT  
8 TO PARAGRAPH (B) OF SUBDIVISION THREE OF THIS SECTION AS A PERSON ENGAG-  
9 ING IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN PARAGRAPH (A) OF  
10 THIS SUBDIVISION.

11 3. (A) (1) A PERSON THAT IS IDENTIFIED ON A LIST CREATED PURSUANT TO  
12 PARAGRAPH (B) OF THIS SUBDIVISION AS A PERSON ENGAGING IN INVESTMENT  
13 ACTIVITIES IN IRAN AS DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION TWO OF  
14 THIS SECTION, SHALL NOT BE DEEMED A RESPONSIVE BIDDER OR OFFERER PURSU-  
15 ANT TO SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE.

16 (2) A PERSON THAT ENGAGES IN INVESTMENT ACTIVITIES IN IRAN AS  
17 DESCRIBED IN PARAGRAPH (B) OF SUBDIVISION TWO OF THIS SECTION SHALL NOT  
18 BE DEEMED A RESPONSIVE BIDDER OR OFFERER PURSUANT TO SECTION ONE HUNDRED  
19 SIXTY-THREE OF THIS ARTICLE.

20 (B) (1) NOT LATER THAN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE  
21 DATE OF THIS SECTION, THE COMMISSIONER SHALL, USING CREDIBLE INFORMATION  
22 AVAILABLE TO THE PUBLIC, DEVELOP, OR CONTRACT TO DEVELOP, A LIST OF  
23 PERSONS IT DETERMINES ENGAGE IN INVESTMENT ACTIVITIES IN IRAN AS  
24 DESCRIBED IN PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION.

25 (2) THE COMMISSIONER SHALL UPDATE THE LIST EVERY ONE HUNDRED EIGHTY  
26 DAYS.

27 (3) BEFORE FINALIZING AN INITIAL LIST PURSUANT TO SUBPARAGRAPH ONE OF  
28 THIS PARAGRAPH OR AN UPDATED LIST PURSUANT TO SUBPARAGRAPH TWO OF THIS  
29 PARAGRAPH, THE COMMISSIONER SHALL DO ALL OF THE FOLLOWING BEFORE A  
30 PERSON IS INCLUDED ON THE LIST:

31 (A) PROVIDE NINETY DAYS' WRITTEN NOTICE OF THE COMMISSIONER'S INTENT  
32 TO INCLUDE THE PERSON ON THE LIST. THE NOTICE SHALL INFORM THE PERSON  
33 THAT INCLUSION ON THE LIST WOULD MAKE THE PERSON A NON-RESPONSIVE BIDDER  
34 OR OFFERER PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE.  
35 THE NOTICE SHALL SPECIFY THAT THE PERSON, IF IT CEASES ITS ENGAGEMENT IN  
36 INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN PARAGRAPH (A) OF SUBDIVI-  
37 SION TWO OF THIS SECTION, MAY BE REMOVED FROM THE LIST.

38 (B) THE COMMISSIONER SHALL PROVIDE A PERSON WITH AN OPPORTUNITY TO  
39 COMMENT IN WRITING THAT IT IS NOT ENGAGED IN INVESTMENT ACTIVITIES IN  
40 IRAN. IF THE PERSON DEMONSTRATES TO THE COMMISSIONER THAT THE PERSON IS  
41 NOT ENGAGED IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN PARAGRAPH  
42 (A) OF SUBDIVISION TWO OF THIS SECTION, THE PERSON SHALL NOT BE INCLUDED  
43 ON THE LIST.

44 (4) THE COMMISSIONER SHALL MAKE EVERY EFFORT TO AVOID ERRONEOUSLY  
45 INCLUDING A PERSON ON THE LIST.

46 (5) A PERSON THAT HAS A CONTRACT WITH THE NEW YORK STATE AND LOCAL  
47 EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE AND LOCAL POLICE AND  
48 FIRE RETIREMENT SYSTEM, OR THE NEW YORK STATE TEACHERS' RETIREMENT  
49 SYSTEM, SHALL NOT BE DEEMED A PERSON THAT ENGAGES IN INVESTMENT ACTIV-  
50 ITIES IN IRAN AS DESCRIBED BY SUBDIVISION TWO OF THIS SECTION ON THE  
51 BASIS OF THOSE INVESTMENTS WITH SUCH RETIREMENT SYSTEMS, PROVIDED HOWEV-  
52 ER, THAT NOTHING IN THIS SUBPARAGRAPH SHALL PREVENT THE NEW YORK STATE  
53 AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, NEW YORK STATE AND LOCAL POLICE  
54 AND FIRE RETIREMENT SYSTEM OR THE NEW YORK STATE TEACHERS' RETIREMENT  
55 SYSTEM FROM PURSUING A POLICY OF DIVESTMENT IN THE IRANIAN ECONOMY.

1 (C) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, A STATE AGENCY  
2 MAY PERMIT A PERSON ENGAGED IN INVESTMENT ACTIVITIES IN IRAN AS  
3 DESCRIBED BY SUBDIVISION TWO OF THIS SECTION TO BE DEEMED A RESPONSIVE  
4 BIDDER OR OFFERER, ON A CASE-BY-CASE BASIS WITH A STATE AGENCY IF:

5 (1) THE INVESTMENT ACTIVITIES IN IRAN WERE MADE BEFORE THE EFFECTIVE  
6 DATE OF THIS SECTION, THE INVESTMENT ACTIVITIES IN IRAN HAVE NOT BEEN  
7 EXPANDED OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, AND THE  
8 PERSON HAS ADOPTED, PUBLICIZED, AND IS IMPLEMENTING A FORMAL PLAN TO  
9 CEASE THE INVESTMENT ACTIVITIES IN IRAN AND TO REFRAIN FROM ENGAGING IN  
10 ANY NEW INVESTMENTS IN IRAN; OR

11 (2) THE STATE AGENCY MAKES A PUBLIC FINDING THAT THE COMMODITIES OR  
12 SERVICES ARE NECESSARY FOR THE STATE AGENCY TO PERFORM ITS FUNCTIONS AND  
13 THAT, ABSENT SUCH AN EXEMPTION, THE STATE AGENCY WOULD BE UNABLE TO  
14 OBTAIN THE COMMODITIES OR SERVICES FOR WHICH THE CONTRACT IS OFFERED.  
15 SUCH FINDING SHALL BE ENTERED INTO THE PROCUREMENT RECORD.

16 4. A STATE AGENCY SHALL REQUIRE A PERSON THAT SUBMITS A BID OR  
17 PROPOSAL, OR OTHERWISE PROPOSES TO ENTER INTO OR RENEW A CONTRACT WITH A  
18 STATE AGENCY WITH RESPECT TO A CONTRACT FOR COMMODITIES OR SERVICES TO  
19 CERTIFY, AT THE TIME THE BID IS SUBMITTED OR THE CONTRACT IS RENEWED,  
20 THAT THE PERSON IS NOT IDENTIFIED ON A LIST CREATED PURSUANT TO PARA-  
21 GRAPH (B) OF SUBDIVISION THREE OF THIS SECTION AS A PERSON ENGAGING IN  
22 INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED IN PARAGRAPH (A) OF SUBDIVI-  
23 SION TWO OF THIS SECTION, OR AS A PERSON DESCRIBED IN PARAGRAPH (B) OF  
24 SUCH SUBDIVISION, AS APPLICABLE. A STATE AGENCY SHALL INCLUDE CERTIF-  
25 ICATION INFORMATION IN THE PROCUREMENT RECORD.

26 5. UPON RECEIVING INFORMATION THAT A PERSON WHO HAS MADE THE CERTIF-  
27 ICATION REQUIRED BY SUBDIVISION FOUR OF THIS SECTION IS IN VIOLATION  
28 THEREOF, THE STATE AGENCY SHALL REVIEW SUCH INFORMATION AND OFFER THE  
29 PERSON AN OPPORTUNITY TO RESPOND. IF THE STATE AGENCY FINDS THAT A  
30 VIOLATION HAS OCCURRED, IT SHALL TAKE SUCH ACTION AS MAY BE APPROPRIATE  
31 AND PROVIDED FOR BY LAW, RULE OR CONTRACT, INCLUDING, BUT NOT LIMITED  
32 TO, IMPOSING SANCTIONS, SEEKING COMPLIANCE, RECOVERING DAMAGES OR  
33 DECLARING THE CONTRACTOR IN DEFAULT.

34 6. THE COMMISSIONER SHALL REPORT TO THE GOVERNOR AND THE LEGISLATURE  
35 ANNUALLY ON OR BEFORE OCTOBER FIRST, ON THE STATUS OF THE FEDERAL  
36 "COMPREHENSIVE IRAN SANCTIONS, ACCOUNTABILITY, AND DIVESTMENT ACT OF  
37 2010" (PUBLIC LAW 111-195), "THE IRAN DIVESTMENT ACT OF 2012", AND ANY  
38 RULES OR REGULATIONS ADOPTED THEREUNDER.

39 S 4. The general municipal law is amended by adding a new section  
40 103-g to read as follows:

41 S 103-G. IRANIAN ENERGY SECTOR DIVESTMENT. 1. AS USED IN THIS  
42 SECTION.

43 A. "ENERGY SECTOR" SHALL HAVE THE SAME MEANING AS DEFINED IN PARAGRAPH  
44 (A) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THE STATE  
45 FINANCE LAW.

46 B. "FINANCIAL INSTITUTION" SHALL HAVE THE SAME MEANING AS DEFINED IN  
47 PARAGRAPH (B) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF  
48 THE STATE FINANCE LAW.

49 C. "INVESTMENT" SHALL HAVE THE SAME MEANING AS DEFINED IN PARAGRAPH  
50 (C) OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THE STATE  
51 FINANCE LAW.

52 D. "IRAN" SHALL HAVE THE SAME MEANING AS DEFINED IN PARAGRAPH (D) OF  
53 SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THE STATE FINANCE  
54 LAW.

1 E. "PERSON" SHALL HAVE THE SAME MEANING AS DEFINED IN PARAGRAPH (E)  
2 OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THE STATE  
3 FINANCE LAW.

4 2. FOR PURPOSES OF THIS SECTION, A PERSON ENGAGES IN INVESTMENT ACTIV-  
5 ITIES IN IRAN IF:

6 A. THE PERSON PROVIDES GOODS OR SERVICES OF TWENTY MILLION DOLLARS OR  
7 MORE IN THE ENERGY SECTOR OF IRAN, INCLUDING A PERSON THAT PROVIDES OIL  
8 OR LIQUEFIED NATURAL GAS TANKERS, OR PRODUCTS USED TO CONSTRUCT OR MAIN-  
9 TAIN PIPELINES USED TO TRANSPORT OIL OR LIQUEFIED NATURAL GAS, FOR THE  
10 ENERGY SECTOR OF IRAN; OR

11 B. THE PERSON IS A FINANCIAL INSTITUTION THAT EXTENDS TWENTY MILLION  
12 DOLLARS OR MORE IN CREDIT TO ANOTHER PERSON, FOR FORTY-FIVE DAYS OR  
13 MORE, IF THAT PERSON WILL USE THE CREDIT TO PROVIDE GOODS OR SERVICES IN  
14 THE ENERGY SECTOR IN IRAN.

15 3. A. A PERSON THAT IS IDENTIFIED ON A LIST CREATED PURSUANT TO PARA-  
16 GRAPH (B) OF SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-FIVE-A OF  
17 THE STATE FINANCE LAW AS A PERSON ENGAGING IN INVESTMENT ACTIVITIES IN  
18 IRAN AS DESCRIBED IN PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION,  
19 SHALL NOT BE DEEMED A RESPONSIBLE BIDDER OR OFFERER PURSUANT TO SECTION  
20 ONE HUNDRED THREE OF THIS ARTICLE.

21 B. A PERSON THAT ENGAGES IN INVESTMENT ACTIVITIES IN IRAN AS DESCRIBED  
22 IN PARAGRAPH B OF SUBDIVISION TWO OF THIS SECTION SHALL NOT BE DEEMED A  
23 RESPONSIBLE BIDDER OR OFFERER PURSUANT TO SECTION ONE HUNDRED THREE OF  
24 THIS ARTICLE.

25 4. EVERY BID OR PROPOSAL HEREAFTER MADE TO A POLITICAL SUBDIVISION OF  
26 THE STATE OR ANY PUBLIC DEPARTMENT, AGENCY OR OFFICIAL THEREOF WHERE  
27 COMPETITIVE BIDDING IS REQUIRED BY STATUTE, RULE, REGULATION OR LOCAL  
28 LAW, FOR WORK OR SERVICES PERFORMED OR TO BE PERFORMED OR GOODS SOLD OR  
29 TO BE SOLD, SHALL CONTAIN THE FOLLOWING STATEMENT SUBSCRIBED BY THE  
30 BIDDER AND AFFIRMED BY SUCH BIDDER AS TRUE UNDER THE PENALTIES OF PERJU-  
31 RY:

32 A. "BY SUBMISSION OF THIS BID, EACH BIDDER AND EACH PERSON SIGNING ON  
33 BEHALF OF ANY BIDDER CERTIFIES, AND IN THE CASE OF A JOINT BID EACH  
34 PARTY THERETO CERTIFIES AS TO ITS OWN ORGANIZATION, UNDER PENALTY OF  
35 PERJURY, THAT TO THE BEST OF ITS KNOWLEDGE AND BELIEF THAT EACH BIDDER  
36 IS NOT ON THE LIST CREATED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION 3 OF  
37 SECTION 165-A OF THE STATE FINANCE LAW."

38 B. NOTWITHSTANDING PARAGRAPH A OF THIS SUBDIVISION, THE STATEMENT OF  
39 NON-INVESTMENT IN THE IRANIAN ENERGY SECTOR MAY BE SUBMITTED ELECTRON-  
40 ICALLY IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVISION ONE OF SECTION  
41 ONE HUNDRED THREE OF THIS ARTICLE.

42 C. A BID SHALL NOT BE CONSIDERED FOR AWARD NOR SHALL ANY AWARD BE MADE  
43 WHERE THE CONDITION SET FORTH IN PARAGRAPH A OF THIS SUBDIVISION HAS NOT  
44 BEEN COMPLIED WITH; PROVIDED, HOWEVER, THAT IF IN ANY CASE THE BIDDER  
45 CANNOT MAKE THE FOREGOING CERTIFICATION, THE BIDDER SHALL SO STATE AND  
46 SHALL FURNISH WITH THE BID A SIGNED STATEMENT WHICH SETS FORTH IN DETAIL  
47 THE REASONS THEREFOR. A POLITICAL SUBDIVISION MAY AWARD A BID TO A  
48 BIDDER WHO CANNOT MAKE THE CERTIFICATION PURSUANT TO PARAGRAPH A OF THIS  
49 SUBDIVISION ON A CASE-BY-CASE BASIS IF:

50 (1) THE INVESTMENT ACTIVITIES IN IRAN WERE MADE BEFORE THE EFFECTIVE  
51 DATE OF THIS SECTION, THE INVESTMENT ACTIVITIES IN IRAN HAVE NOT BEEN  
52 EXPANDED OR RENEWED AFTER THE EFFECTIVE DATE OF THIS SECTION, AND THE  
53 PERSON HAS ADOPTED, PUBLICIZED, AND IS IMPLEMENTING A FORMAL PLAN TO  
54 CEASE THE INVESTMENT ACTIVITIES IN IRAN AND TO REFRAIN FROM ENGAGING IN  
55 ANY NEW INVESTMENTS IN IRAN; OR

1 (2) THE POLITICAL SUBDIVISION MAKES A PUBLIC FINDING THAT THE GOODS OR  
2 SERVICES ARE NECESSARY FOR THE POLITICAL SUBDIVISION TO PERFORM ITS  
3 FUNCTIONS AND THAT, ABSENT SUCH AN EXEMPTION, THE POLITICAL SUBDIVISION  
4 WOULD BE UNABLE TO OBTAIN THE GOODS OR SERVICES FOR WHICH THE CONTRACT  
5 IS OFFERED. SUCH FINDING SHALL BE MADE IN WRITING AND SHALL BE A PUBLIC  
6 DOCUMENT.

7 S 5. The secretary of state shall submit to the attorney general of  
8 the United States a written notice describing this act within 30 days  
9 after the effective date of this act.

10 S 6. Severability. If any clause, sentence, paragraph, section or part  
11 of this act shall be adjudged by any court of competent jurisdiction to  
12 be invalid and after exhaustion of all further judicial review, the  
13 judgment shall not affect, impair or invalidate the remainder thereof,  
14 but shall be confined in its operation to the clause, sentence, para-  
15 graph, section or part of this act directly involved in the controversy  
16 in which the judgment shall have been rendered.

17 S 7. This act shall take effect on the ninetieth day after it shall  
18 have become a law; provided, however, that effective immediately, the  
19 addition, amendment and/or repeal of any rule or regulation necessary  
20 for the implementation of this act on its effective date are authorized  
21 and directed to be made and completed on or before such effective date.