

9519

I N   A S S E M B L Y

March 7, 2012

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Introduced by M. of A. BLANKENBUSH -- read once and referred to the  
Committee on Governmental Operations

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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