

5427

2005-2006 Regular Sessions

I N S E N A T E

May 20, 2005

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

AN ACT to amend the labor law, in relation to the performance of  
certain  
state contracts

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

1 Section 1. The labor law is amended by adding a new section  
211-b to

2 read as follows:

3 S 211-B. REQUIRES CERTAIN SERVICES UNDER STATE CONTRACTS OR  
SUBCON-

4 TRACTS BE PERFORMED WITHIN THE UNITED STATES. 1. STATE  
CONTRACTS SHALL

5 BE REQUIRED TO INCLUDE A PROVISION STATING ALL SERVICES  
PERFORMED UNDER

6 SUCH CONTRACT OR ANY SUBCONTRACT AWARDED UNDER SUCH CONTRACT  
SHALL BE

7 PERFORMED WITHIN THE UNITED STATES.

8 2. THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL  
NOT APPLY

9 WHEN THE COMMISSIONER, IN CONSULTATION WITH THE  
COMMISSIONER OF THE

10 OFFICE OF GENERAL SERVICES, CERTIFIES IN WRITING A FINDING  
THAT A

11 SERVICE IS REQUIRED BY A CONTRACTING AGENCY THAT CANNOT BE  
PROVIDED BY A

12 CONTRACTOR OR SUBCONTRACTOR WITHIN THE UNITED STATES AND SUCH  
CERTIF-

13 ICATION IS APPROVED BY THE COMPTROLLER.

14 3. THE COMPTROLLER SHALL REVIEW ALL EXISTING STATE CONTRACTS  
THAT HAVE

15 NOT BEEN COMPLETED OR TERMINATED AND DETERMINE IF ANY OR ALL  
OF THE

16 SERVICES PERFORMED BY THE CONTRACTOR AND ANY SUBCONTRACTOR  
ARE BEING

17 PERFORMED OUTSIDE OF THE UNITED STATES. WITHIN ONE YEAR OF THE EFFECTIVE

18 DATE OF THIS SECTION, THE COMPTROLLER`S FINDINGS UNDER THIS SUBDIVISION

19 SHALL BE REPORTED IN WRITING TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF

20 THE SENATE AND THE SPEAKER OF THE ASSEMBLY, AND SHALL BE MADE AVAILABLE

21 TO THE GENERAL PUBLIC.

22 4. FOR THE PURPOSES OF THIS SECTION:

23 (A) "STATE CONTRACT" MEANS A WRITTEN AGREEMENT OR PURCHASE ORDER

24 INSTRUMENT, PROVIDING FOR A TOTAL EXPENDITURE IN EXCESS OF TWO HUNDRED

25 FIFTY THOUSAND DOLLARS, WHEREBY A CONTRACTING AGENCY IS COMMITTED TO

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets

{ } is old law to be omitted.

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1 EXPEND OR DOES EXPEND FUNDS IN RETURN FOR LABOR AND SERVICES TO BE

2 PERFORMED FOR, OR RENDERED OR FURNISHED TO THE CONTRACTING AGENCY.

3 (B) "CONTRACTING AGENCY" MEANS ANY STATE DEPARTMENT EXCEPT FOR THE

4 DEPARTMENT OF EDUCATION, PUBLIC AUTHORITY, PUBLIC BENEFIT CORPORATION,

5 THE JUDICIARY, THE STATE LEGISLATURE, BOARD, BUREAU, DIVISION, COMMIS-

6 SION, COMMITTEE, COUNCIL, OFFICE OR OTHER GOVERNMENTAL ENTITY PERFORMING

7 A GOVERNMENTAL OR PROPRIETARY FUNCTION FOR THE STATE, OR ANY COMBINATION

8 THEREOF AS PROVIDED IN SUBDIVISION TWO OF SECTION NINE HUNDRED FIFTY-ONE

9 OF THE EXECUTIVE LAW.

10 S 2. This act shall take effect on the ninetieth day after it shall

11 have become a law and shall apply to all state contracts entered into on

12 or after such effective date.

.SO DOC S 5427

\*END\*

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