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SENATE BILL 5982

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State of Washington

55th Legislature

1997 Regular Session

By Senators Kline, Prentice, Swanson, Jacobsen, Fairley and Kohl

Read first time 02/24/97. Referred to Committee on Government Operations.

1 AN ACT Relating to state purchasing contracts; adding a new section  
2 to chapter 43.19 RCW; creating a new section; and prescribing  
3 penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds that it is not in the  
6 long-term best interest of the people of Washington to spend tax  
7 dollars on goods produced, whether international or domestic, in whole  
8 or part by forced labor, or indentured labor under penal sanction, or  
9 by exploiting child labor or using child labor in violation of the  
10 child labor laws of the country in which the product was made. The  
11 legislature therefore declares that state agencies and institutions of  
12 higher education shall not use tax dollars to purchase goods produced  
13 under the conditions specified in section 2 of this act.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.19 RCW  
15 to read as follows:

16 (1) Each contract entered into on or after the effective date of  
17 this section by a state agency or institution of higher education for  
18 the purchase of materials, supplies, or equipment must specify that no

1 materials, supplies, or equipment produced outside of the United States  
2 and furnished under the contract may be produced in whole or in part by  
3 forced labor, or indentured labor under penal sanction, or by  
4 exploiting child labor or using child labor in violation of the child  
5 labor laws of the country in which the product was made. A contractor  
6 who, when entering into the contract, knew or should have known that  
7 materials, supplies, or equipment would be furnished under the contract  
8 in violation of this subsection is subject to any or all of the  
9 following sanctions:

10 (a) At the option of the state agency or institution of higher  
11 education, the contract may be voided;

12 (b) The contractor may be assessed a penalty that is the greater of  
13 one thousand dollars or an amount equal to twenty percent of the value  
14 of the products furnished that were produced in whole or in part by  
15 forced labor, or indentured labor under penal sanction, or by  
16 exploiting child labor or using child labor in violation of the child  
17 labor laws of the country in which the product was made; or

18 (c) The contractor may be declared ineligible to bid under this  
19 chapter for up to two years.

20 (2)(a) The investigation of a complaint under this section shall be  
21 limited to evaluating the information provided by the person or entity  
22 submitting the complaint and the information provided by the  
23 contractor. If the agency or institution of higher education believes  
24 that a violation of this section has occurred, the contractor must be  
25 notified in writing of the violation and of the contractor's right to  
26 request a hearing within fifteen days of the date the notice is  
27 received by the contractor. If the contractor makes a timely request,  
28 a hearing under chapter 34.05 RCW must be held.

29 (b) The determination of a sanction must take into consideration  
30 the measures that the contractor took to ensure compliance with this  
31 section. Sanctions may be waived if the contractor acted in good  
32 faith. A contractor determined to have violated this section may be  
33 assessed the cost of the hearing.

34 (c) Monetary penalties and costs collected under this section must  
35 be deposited in the state general fund.

36 (3) The department shall monitor, catalog, and publish a list of  
37 companies that are known to use forced labor, or indentured labor under  
38 penal sanction, or to exploit child labor or use child labor in  
39 violation of the laws of the country in which the product was made.

1 The list must be made available to all agencies, institutions of higher  
2 education, and current and prospective contractors under this chapter.

3 (4) As used in this section:

4 (a) "Exploiting child labor" means using child labor in a way that  
5 could inflict physical or mental suffering or damage on the child, or  
6 denying a child his or her liberty or access to his or her family, or  
7 both.

8 (b) "Forced labor" means work or service that is exacted from a  
9 person under the menace of a penalty for its nonperformance and not  
10 performed voluntarily.

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