

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

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

AN ACT to amend the state finance law, in relation to commodities and services contracts

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

1 Section 1. Subparagraph (iv) of paragraph a of subdivision 3 of
2 section 163 of the state finance law, as amended by chapter 430 of the
3 laws of 1997, is amended to read as follows:
4 (iv) The commissioner is authorized to permit any officer, body or
5 agency of the state or of a political subdivision or a district therein,
6 or fire company or volunteer ambulance service as such are defined in
7 section one hundred of the general municipal law, to make purchases of
8 commodities through the office of general services' centralized
9 contracts, pursuant to the provisions of section one hundred four of the
10 general municipal law. The commissioner is authorized to permit any
11 county extension service association as authorized under subdivision
12 eight of section two hundred twenty-four of the county law, or any asso-
13 ciation or other entity as specified in and in accordance with section
14 one hundred nine-a of the general municipal law, OR ANY NON-PROFIT
15 CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE
16 STATE UNIVERSITY OF NEW YORK, or any other association or entity as
17 specified in state law, to make purchases of commodities through the
18 office of general services' centralized contracts; provided, however,
19 that such entity so empowered shall accept sole responsibility for any
20 payment due with respect to such purchase; AND PROVIDED FURTHER, HOWEV-
21 ER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED
22 IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF
23 NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPO-
24 RATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT CORPORATION,

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

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1 NOR SHALL SUCH COMMODITIES SO PURCHASED BY SUCH NON-PROFIT CORPORATION
2 BE OFFERED FOR RESALE.

3 S 2. Paragraph e of subdivision 4 of section 163 of the state finance
4 law, as amended by chapter 95 of the laws of 2000, is amended to read as
5 follows:

6 e. Any officer, body or agency of a political subdivision as defined
7 in section one hundred of the general municipal law or a district there-
8 in, may make purchases of services through the office of general
9 services' centralized contracts for services, subject to the provisions
10 of section one hundred four of the general municipal law. The commis-
11 sioner may permit and prescribe the conditions for the purchase of
12 services through the office of general services' centralized contracts
13 for services by any public authority or public benefit corporation of
14 the state including the port authority of New York and New Jersey, OR
15 ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND
16 PURPOSES OF THE STATE UNIVERSITY OF NEW YORK; PROVIDED, HOWEVER, THAT
17 SERVICES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED IN FURTHER-
18 ANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK
19 SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR
20 OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The
21 commissioner is authorized to permit any public library, association
22 library, library system, cooperative library system, the New York
23 Library Association, and the New York State Association of Library
24 Boards or any other library except those which are operated by for
25 profit entities, to make purchases of services through the office of
26 general services' centralized contracts; provided, however, that such
27 entity so empowered shall accept sole responsibility for any payment due
28 with respect to such purchase.

29 S 3. This act shall take effect immediately; provided, however, that
30 the amendments to section 163 of the state finance law made by sections
31 one and two of this act shall not affect the repeal of such section and
32 shall be deemed repealed therewith.