

2012--A

2011-2012 Regular Sessions

I N   S E N A T E

January 14, 2011

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Introduced by Sens. STEWART-COUSINS, AVELLA, KLEIN, KRUEGER, OPPENHEIMER, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to allowing not-for-profits to make purchases through county contracts

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

1     Section 1. The general municipal law is amended by adding a new  
2     section 109-c to read as follows:  
3     S 109-C. PURCHASES THROUGH COUNTY CONTRACTS BY CERTAIN NOT-FOR-PROFIT  
4     CORPORATIONS. NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE A SERVICE TO A  
5     COUNTY ARE AUTHORIZED TO MAKE PURCHASES OR TO CONTRACT FOR SERVICES  
6     NECESSARY FOR THE PERFORMANCE OF SUCH SERVICE TO THE COUNTY, OTHER THAN  
7     SERVICES SUBJECT TO ARTICLE EIGHT OR ANY PROVISIONS OF THE LABOR LAW AND  
8     OTHER THAN PURCHASES OF MOTOR FUEL, DIESEL MOTOR FUEL OR CIGARETTES,  
9     THROUGH THE COUNTY WHICH THE NOT-FOR-PROFIT HAS A CONTRACT WITH. THE  
10    COUNTY MAY ESTABLISH LIMITATIONS WITH RESPECT TO COMMODITIES AND  
11    SERVICES AND IMPOSE SUCH OTHER APPROPRIATE CONDITIONS UPON PURCHASING AS  
12    DEEMED NECESSARY BY THE CHIEF FISCAL OFFICER OF THE COUNTY IN ORDER TO  
13    PROTECT THE COUNTY'S OWN PURCHASING INTERESTS; AND SUCH NOT-FOR-PROFIT  
14    CORPORATION SHALL MAKE ANY PURCHASE PURSUANT TO THIS SECTION IN ITS OWN  
15    NAME AND ACCEPT SOLE RESPONSIBILITY FOR ANY PAYMENT DUE TO THE VENDOR  
16    AND SUCH NOT-FOR-PROFIT CORPORATION AND VENDOR SHALL EACH BE RESPONSIBLE  
17    FOR ANY TAX DUE WITH RESPECT TO THE PURCHASES BY THE NOT-FOR-PROFIT  
18    CORPORATION. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS ALTERING ANY  
19    TAX EXEMPTION AFFORDED TO THE NOT-FOR-PROFIT CORPORATION OR AS CREATING  
20    A PRINCIPAL/AGENT RELATIONSHIP BETWEEN THE COUNTY AND NOT-FOR-PROFIT  
21    CORPORATION.  
22    S 2. This act shall take effect immediately.

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

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