

4915

2013-2014 Regular Sessions

I N   S E N A T E

May 1, 2013

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Introduced by Sens. GOLDEN, GRISANTI, LANZA, MAZIARZ, VALESKY, ZELDIN --  
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 the state procure-  
ment council

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

1     Section 1. Paragraph a of subdivision 1 of section 161 of the state  
2     finance law, as amended by chapter 452 of the laws of 2012, is amended  
3     to read as follows:  
4     a. The state procurement council shall continuously strive to improve  
5     the state's procurement process. Such council shall consist of twenty-  
6     one members, including the commissioner, the state comptroller, the  
7     director of the budget, the chief diversity officer and the commissioner  
8     of economic development, or their respective designees; seven members  
9     who shall be the heads of other large and small state agencies chosen by  
10    the governor, or their respective designees; one member, appointed by  
11    the governor, representing a not-for-profit New York-based organization  
12    engaged in the marketing and/or promotion of New York grown farm and  
13    agricultural products or a not-for-profit New York-based organization  
14    engaged solely in the advocacy, marketing and/or promotion of organic  
15    New York grown farm and agricultural products to be limited to a two  
16    year term; and eight at large members appointed as follows: three  
17    appointed by the temporary president of the senate, one of whom shall be  
18    a representative of local government and one of whom shall be a repre-  
19    sentative of private business; three appointed by the speaker of the  
20    assembly, one of whom shall be a representative of local government and  
21    one of whom shall be a representative of private business; one appointed  
22    by the minority leader of the senate; and, one appointed by the minority  
23    leader of the assembly; and two non-voting observers appointed as  
24    follows: one appointed by the temporary president of the senate and one

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

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1 appointed by the speaker of the assembly. The non-voting observers shall  
2 be provided, contemporaneously, all documentation and materials distrib-  
3 uted to members. The council shall be chaired by the commissioner and  
4 shall meet at least quarterly. IN ADDITION TO ANY OTHER MEMBERS NAMED  
5 HEREINABOVE, EX OFFICIO MEMBERS SHALL INCLUDE THE FOLLOWING NON-VOTING  
6 MEMBERS OR THEIR RESPECTIVE DESIGNEES: THE EXECUTIVE OFFICER OF A STATE-  
7 WIDE BUSINESS ASSOCIATION, AND THE EXECUTIVE OFFICER OF A STATEWIDE  
8 ASSOCIATION REPRESENTING LOCAL GOVERNMENTS.

9 S 2. Subdivision 2 of section 161 of the state finance law is amended  
10 by adding a new paragraph o to read as follows:

11 O. RECOMMEND TO THE COMMISSIONER NECESSARY LEGISLATIVE CHANGES OR  
12 MODIFICATIONS TO EXISTING OR PROPOSED RULES, REGULATIONS AND PROCEDURES  
13 THAT WOULD INCREASE PARTICIPATION BY RESIDENT BUSINESSES IN STATE  
14 CONTRACTS, AND CREATE MODEL LANGUAGE TO BE USED BY AGENCIES WHEN ISSUING  
15 REQUESTS FOR BIDS OR PROPOSALS TO OTHER SOLICITATIONS OR OFFERS THAT  
16 WOULD INCREASE THE ABILITY OF RESIDENT BUSINESSES TO PARTICIPATE IN  
17 STATE PROCUREMENTS.

18 S 3. Subdivision 4 of section 161 of the state finance law, as added  
19 by chapter 83 of the laws of 1995, is amended to read as follows:

20 4. The commissioner shall report to the governor, the legislature and  
21 the director of the budget, AND THE STATE PROCUREMENT COUNCIL, by Decem-  
22 ber thirty-first, nineteen hundred ninety-five and thereafter annually  
23 on any modifications to or rejections of the rules and regulations  
24 proposed by the council, AND SHALL PROVIDE QUARTERLY UPDATES ON ANY  
25 INITIATIVES THAT SIGNIFICANTLY AFFECT STATE CONTRACTS INCLUDING WITHOUT  
26 LIMITATION STRATEGIC SOURCING OR SIMILAR INITIATIVES, OR PURSUANT TO  
27 REQUESTS MADE CONCERNING ANY PROCUREMENT INITIATIVES BY THE COUNCIL, THE  
28 DEPARTMENT, OR THE COMMISSIONER.

29 S 4. This act shall take effect immediately.