

# STATE OF NEW YORK

2489

2023-2024 Regular Sessions

## IN ASSEMBLY

January 26, 2023

Introduced by M. of A. NORRIS, MORINELLO, MILLER, PALMESANO, SMULLEN,  
TAGUE, J. M. GIGLIO -- Multi-Sponsored by -- M. of A. DeSTEFANO, WALSH  
-- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law and the state finance law, in relation  
to enacting the "state contract sunlight act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as the "state  
2 contract sunlight act".

3 § 2. The executive law is amended by adding a new section 170-g to  
4 read as follows:

5 § 170-g. State contract project sunlight database. 1. The comptroller  
6 shall establish a state-wide database to be known as the state contract  
7 project sunlight database.

8 2. (a) Before any contract made for or by any department, division,  
9 commission, agency, authority, board or any other entity of the state  
10 shall be executed, or before approval by the comptroller and the attor-  
11 ney general, if required pursuant to the state finance law, the depart-  
12 ment, division, commission, agency, authority, board or any other entity  
13 of the state awarding such contract shall submit the proposed contract  
14 to the comptroller to be posted on the database for public review and  
15 comment at least fourteen days before such contract shall be approved by  
16 the comptroller and the attorney general, if required, or be executed.  
17 Such proposed contracts shall be submitted on a schedule and in a format  
18 determined by the comptroller.

19 (b) Every department, division, commission, agency, authority, board  
20 or any other entity of the state shall submit all awarded contracts and  
21 bids related to such contracts to the comptroller to be posted on the  
22 database on a schedule and in a format determined by the comptroller.

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

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1 3. (a) Such database shall be available online for public review in a  
2 searchable, downloadable format. Such database shall include, but not be  
3 limited to:

4 (i) all proposed contracts submitted pursuant to paragraph (a) of  
5 subdivision two of this section;

6 (ii) descriptions of requests for proposals and contracts;

7 (iii) all bids for state contracts;

8 (iv) authorized contracts including specific requirements under such  
9 contracts including job creation and investment and clawback provisions;

10 (v) contact information for all parties to the contract;

11 (vi) project timelines;

12 (vii) funding sources;

13 (viii) history of each project;

14 (ix) return on investment to the state; and

15 (x) any additional information made available to the state as part of  
16 the bidding and contracting process.

17 (b) The database shall be in a format that allows for public comment  
18 on proposed and awarded contracts.

19 4. The comptroller shall develop, after consultation with the entities  
20 required to report under this section, a standardized form for each  
21 department, division, commission, agency, authority, board and any other  
22 entity of the state to compile the information required under this  
23 section and submit such information to the comptroller for inclusion in  
24 the database.

25 5. The comptroller shall promulgate any rules and regulations neces-  
26 sary for the implementation of such database established pursuant to  
27 this section.

28 § 3. Paragraph (a) of subdivision 2 of section 112 of the state  
29 finance law, as amended by chapter 839 of the laws of 2022, is amended  
30 to read as follows:

31 (a) Before any contract made for or by any state agency, department,  
32 board, officer, commission, or institution, except the office of general  
33 services or its customer agencies serviced by the office of general  
34 services business services center, shall be executed or become effec-  
35 tive, whenever such contract exceeds fifty thousand dollars in amount  
36 and before any contract made for or by the office of general services,  
37 whether for itself or for its customer agencies serviced by the office  
38 of general services business services center, shall be executed or  
39 become effective, whenever such contract exceeds eighty-five thousand  
40 dollars in amount, it shall first be approved by the comptroller and  
41 filed in his or her office. Provided, however, that the comptroller  
42 shall make a final written determination with respect to approval of  
43 such contract within ninety days of the submission of such contract to  
44 his or her office unless the comptroller shall notify, in writing, the  
45 state agency, department, board, officer, commission, or institution,  
46 prior to the expiration of the ninety day period, and for good cause, of  
47 the need for an extension of not more than fifteen days, or a reasonable  
48 period of time agreed to by such state agency, department, board, offi-  
49 cer, commission, or institution and provided, further, that such written  
50 determination or extension shall be made part of the procurement record  
51 pursuant to paragraph f of subdivision one of section one hundred  
52 sixty-three of this chapter. Upon approval by the comptroller, the  
53 contract shall be delivered to the attorney general who shall within  
54 fifteen days of receipt either approve such contract or disapprove and  
55 return the contract to the state agency, department, board, officer,  
56 commission or institution with reasons therefor.

1     § 4. This act shall take effect on the one hundred eightieth day after  
2     it shall have become a law. Effective immediately, the addition, amend-  
3     ment and/or repeal of any rule or regulation necessary for the implemen-  
4     tation of this act on its effective date are authorized to be made and  
5     completed on or before such effective date.