S T A T E O F N E W Y O R K

S. 399--A A. 1036--A

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2009

IN SENATE -- Introduced by Sens. BRESLIN, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. McENENY -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law and the state finance law, in relation to imposing certain contractual obligations upon the state

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

Section 1. The general obligations law is amended by adding a new section 5-337 to read as follows:

S 5-337. APPROVAL OF CONTRACTS BY THE COMPTROLLER AND THE LEGISLATURE REQUIRED. EVERY UNDERTAKING OR PROMISE, WHETHER WRITTEN OR ORAL, EXPRESSED OR IMPLIED, CONSTITUTING OR CONTAINED, IN ANY CONTRACT OR AGREEMENT BETWEEN ANY PERSON, FIRM, COMPANY, ASSOCIATION OR CORPORATION, WHICH INVOLVES THE RELOCATION ACROSS COUNTY LINES OF SEVENTY-FIVE OR MORE PUBLIC EMPLOYEES OR A COMBINATION OF PUBLIC AND PRIVATE EMPLOYEES WHO ARE PERFORMING A PUBLIC FUNCTION SHALL BE NULL AND VOID UNLESS SPECIFICALLY APPROVED BY (A) THE COMPTROLLER AND (B) THE STATE LEGISLATURE BY CONCURRENT RESOLUTION DULY ADOPTED, IN THAT ORDER.

S 2. Subdivision 2 of section 112 of the state finance law is amended by adding a new paragraph (c) to read as follows:

(C) BEFORE ANY CONTRACT MADE FOR, OR BY ANY STATE AGENCY, DEPARTMENT, BOARD, OFFICER, COMMISSION OR INSTITUTION SHALL BE EXECUTED OR BECOME

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

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EFFECTIVE, WHENEVER SUCH CONTRACT INVOLVES THE RELOCATION OF SEVENTY-FIVE OR MORE STATE EMPLOYEES, OR SEVENTY-FIVE OR MORE PRIVATE SECTOR EMPLOYEES PERFORMING A PUBLIC FUNCTION OR ANY COMBINATION OF SEVENTY-FIVE OR MORE PUBLIC AND PRIVATE EMPLOYEES PERFORMING A PUBLIC FUNCTION, IT SHALL FIRST BE APPROVED BY THE COMPTROLLER AND THEN THE STATE LEGISLATURE BY CONCURRENT RESOLUTION DULY ADOPTED AND FILED IN THE OFFICE OF THE STATE COMPTROLLER, PROVIDED, HOWEVER, THAT THE COMPTROLLER SHALL MAKE A FINAL WRITTEN DETERMINATION WITH RESPECT TO APPROVAL OF SUCH CONTRACT WITHIN NINETY DAYS OF THE SUBMISSION OF SUCH CONTRACT TO HIS OR HER OFFICE, UNLESS THE COMPTROLLER CAN JUSTIFY, IN WRITING TO THE ENTITY THAT SUBMITTED THE CONTRACT, GOOD CAUSE FOR AN EXTENSION NOT TO EXCEED FIFTEEN DAYS, OR REASONABLE PERIOD OF TIME AGREED TO BY THE ENTITY THAT SUBMITTED THE CONTRACT, FURTHER, THAT SUCH WRITTEN DETERMINATION OR EXTENSION SHALL BE MADE PART OF THE PROCUREMENT RECORD PURSUANT TO PARAGRAPH F OF SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-THREE OF THIS CHAPTER.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2010.