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2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Economic Development, Job Creation, Commerce and Industry

AN ACT to amend the economic development law, in relation to training of employees with procurement authority and responsibilities

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

- 1 Section 1. The economic development law is amended by adding a new
2 section 147 to read as follows:
3 S 147. TRAINING AND CERTIFICATION OF STATE AGENCY PURCHASING PERSON-
4 NEL. 1. THE DEPARTMENT SHALL ESTABLISH AND ADMINISTER A SYSTEM OF TRAIN-
5 ING, CONTINUING EDUCATION AND CERTIFICATION FOR STATE AGENCY PURCHASING
6 PERSONNEL. THE DEPARTMENT MAY ADOPT RULES TO ADMINISTER THE PROVISIONS
7 OF THIS SECTION. THE TERM "STATE AGENCY" SHALL HAVE THE SAME MEANING AS
8 PROVIDED IN SUBDIVISION ONE OF SECTION ONE HUNDRED FORTY-ONE OF THIS
9 ARTICLE.
10 2. ALL STATE AGENCY PURCHASING PERSONNEL, INCLUDING AGENCIES EXEMPTED
11 FROM THE PURCHASING AUTHORITY OF THE DEPARTMENT, MUST RECEIVE THE TRAIN-
12 ING AND CONTINUING EDUCATION TO THE EXTENT REQUIRED BY RULES OF THE
13 DEPARTMENT. A STATE AGENCY EMPLOYEE WHO IS REQUIRED TO RECEIVE THE
14 TRAINING MAY NOT PARTICIPATE IN PURCHASES BY THE EMPLOYING AGENCY UNLESS
15 THE EMPLOYEE HAS RECEIVED THE REQUIRED TRAINING OR RECEIVED EQUIVALENT
16 TRAINING FROM A NATIONAL ASSOCIATION RECOGNIZED BY THE DEPARTMENT.
17 3. THE DEPARTMENT SHALL SET AND COLLECT A FEE FROM STATE AGENCIES THAT
18 EMPLOY PURCHASING PERSONNEL. THE DEPARTMENT SHALL SET THE FEE IN AN
19 AMOUNT THAT RECOVERS THE DEPARTMENT'S COSTS UNDER THIS SECTION.
20 4. THE DEPARTMENT MAY PROVIDE TRAINING, CONTINUING EDUCATION AND
21 CERTIFICATION UNDER THIS SECTION TO PURCHASING PERSONNEL EMPLOYED BY A
22 POLITICAL SUBDIVISION OR OTHER PUBLIC ENTITY OF THE STATE. POLITICAL
23 SUBDIVISION PURCHASING PERSONNEL MAY RECEIVE, BUT ARE NOT REQUIRED TO
24 RECEIVE, THE TRAINING, CONTINUING EDUCATION OR CERTIFICATION PROVIDED

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

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1 UNDER THIS SECTION. THE DEPARTMENT SHALL COLLECT THE FEES DESCRIBED IN
2 SUBDIVISION THREE OF THIS SECTION FOR TRAINING, EDUCATION OR CERTIF-
3 ICATION PROVIDED IN THIS SUBDIVISION. "POLITICAL SUBDIVISION", AS USED
4 IN THIS SECTION, SHALL MEAN A MUNICIPAL CORPORATION, DISTRICT CORPO-
5 RATION OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES.

6 5. THE DEPARTMENT MAY PROVIDE TRAINING AND CONTINUING EDUCATION UNDER
7 THIS SECTION USING ITS OWN PERSONNEL OR THROUGH CONTRACTS WITH PRIVATE
8 ENTITIES. THE DEPARTMENT MAY ALSO, BY AGREEMENT WITH A PUBLIC ENTITY,
9 USE THE SERVICES OF PERSONS EMPLOYED BY THE PUBLIC ENTITY TO PROVIDE
10 TRAINING AND CONTINUING EDUCATION UNDER THIS SECTION.

11 6. THE DEPARTMENT SHALL PRESCRIBE THE CONTINUING EDUCATION REQUIRE-
12 MENTS FOR AFFECTED PURCHASING PERSONNEL; PROVIDED, HOWEVER, THAT IN NO
13 EVENT SHALL SUCH REQUIREMENTS BE LESS THAN A MINIMUM OF TWENTY-FOUR
14 HOURS OF CONTINUING EDUCATION EVERY TWO YEARS.

15 S 2. This act shall take effect on the one hundred twentieth day after
16 it shall have become law. Effective immediately the commissioner of the
17 department of economic development is authorized to promulgate rules and
18 regulations necessary for the implementation of this act on its effec-
19 tive date.