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

2828

2009-2010 Regular Sessions

I N S E N A T E

March 4, 2009

Introduced by Sen. THOMPSON -- 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 federal funds and compliance with participation by minority group members and women with respect to state contracts

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

Section 1. The state finance law is amended by adding a new section 17-a to read as follows:

S 17-A. FEDERAL FUNDS; COMPLIANCE WITH MINORITY GROUP MEMBERS AND WOMEN WITH RESPECT TO STATE CONTRACTS. 1. ALL AGENCIES OBTAINING STATE CONTRACTS OR SUBCONTRACTS, AND MUNICIPALITIES SUBJECT TO SUBDIVISION FIFTEEN OF SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, THAT RECEIVE FEDERAL FUNDING FROM THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (PUB. L. NO. 111-5) SHALL CONFORM TO THE PROVISIONS OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

2. THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "STATE AGENCY" SHALL HAVE THE SAME MEANING AS SUBDIVISION ELEVEN OF SECTION THREE HUNDRED TEN OF THE EXECUTIVE LAW.

(B) "STATE CONTRACT" SHALL MEAN: (I) A WRITTEN AGREEMENT OR PURCHASE ORDER INSTRUMENT, PROVIDING FOR A TOTAL EXPENDITURE IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS, WHEREBY A CONTRACTING AGENCY IS COMMITTED TO EXPEND OR DOES EXPEND FUNDS IN RETURN FOR LABOR, SERVICES, SUPPLIES, EQUIPMENT, MATERIALS OR ANY COMBINATION OF THE FOREGOING, TO BE PERFORMED FOR, OR RENDERED OR FURNISHED TO THE CONTRACTING AGENCY; (II) A WRITTEN AGREEMENT IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS WHEREBY A CONTRACTING AGENCY IS COMMITTED TO EXPEND OR DOES EXPEND FUNDS FOR THE ACQUISITION, CONSTRUCTION, DEMOLITION, REPLACEMENT, MAJOR REPAIR OR RENOVATION OF REAL PROPERTY AND IMPROVEMENTS THEREON; AND (III) A WRITTEN AGREEMENT IN EXCESS OF ONE HUNDRED THOUSAND DOLLARS WHEREBY THE OWNER OF A STATE ASSISTED HOUSING PROJECT IS COMMITTED TO EXPEND OR DOES

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

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EXPEND FUNDS FOR THE ACQUISITION, CONSTRUCTION, DEMOLITION, REPLACEMENT, MAJOR REPAIR OR RENOVATION OF REAL PROPERTY AND IMPROVEMENTS THEREON FOR SUCH PROJECT. FOR THE PURPOSES OF THIS SECTION THE TERM "SERVICES" SHALL NOT INCLUDE BANKING RELATIONSHIPS, THE ISSUANCE OF INSURANCE POLICIES OR CONTRACTS, OR CONTRACTS WITH A CONTRACTING AGENCY FOR THE SALE OF BONDS, NOTES OR OTHER SECURITIES.

(C) "SUBCONTRACT" SHALL MEAN AN AGREEMENT PROVIDING FOR A TOTAL EXPENDITURE IN EXCESS OF TWENTY-FIVE THOUSAND DOLLARS FOR THE CONSTRUCTION, DEMOLITION, REPLACEMENT, MAJOR REPAIR, RENOVATION, PLANNING OR DESIGN OF REAL PROPERTY AND IMPROVEMENTS THEREON BETWEEN A CONTRACTOR AND ANY INDIVIDUAL OR BUSINESS ENTERPRISE, INCLUDING A SOLE PROPRIETORSHIP, PARTNERSHIP, CORPORATION, OR NOT-FOR-PROFIT CORPORATION, IN WHICH A PORTION OF A CONTRACTOR'S OBLIGATION UNDER A STATE CONTRACT IS UNDERTAKEN OR ASSUMED, BUT SHALL NOT INCLUDE ANY CONSTRUCTION, DEMOLITION, REPLACEMENT, MAJOR REPAIR, RENOVATION, PLANNING OR DESIGN OF REAL PROPERTY OR IMPROVEMENTS THEREON FOR THE BENEFICIAL USE OF THE CONTRACTOR.

S 2. This act shall take effect immediately.