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

10566

I N A S S E M B L Y

April 7, 2010

Introduced by M. of A. MONTESANO -- read once and referred to the Committee on Education

AN ACT to amend the education law and the state finance law, in relation to authorizing superintendents and schools to purchase certain material goods and supplies independently

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

Section 1. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO ENABLE SUPERINTENDENTS AND SCHOOLS TO PURCHASE MATERIAL GOODS AND SUPPLIES DIRECTLY FROM VENDORS OR SUPPLIERS WHEN SUCH PRODUCTS ARE AVAILABLE AT PRICES OR OTHER TERMS MORE ECONOMICALLY BENEFICIAL FOR THE PURPOSES OF THE ACQUIRING SUPERINTENDENT OR SCHOOL.

S 2. Subparagraph (i) of paragraph a of subdivision 5 of section 163 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

(i) For commodities, upon such determination of need, state agencies shall ascertain whether the commodity is available in the form, function and utility consistent with their needs from preferred sources and if so, shall purchase said commodity from a preferred source in accordance with the provisions of this article. If not so available, state agencies shall determine whether the commodity is available in the form, function and utility consistent with their needs on a centralized contract and if so, except as provided in subparagraph (v) of paragraph a of subdivision three of this section, shall purchase said commodity using the centralized contract, PROVIDED, HOWEVER, THAT SUPERINTENDENTS AND SCHOOLS MAY PROCURE SUCH COMMODITIES INDEPENDENTLY IN ACCORDANCE WITH REGULATIONS ESTABLISHED BY THE COMMISSIONER OF EDUCATION AS PROVIDED FOR IN SUBDIVISION FORTY-TWO OF SECTION THREE HUNDRED FIVE OF THE EDUCATION LAW. If a commodity is not available in the form, function and utility consistent with the needs of the state agency from a preferred source or a centralized contract or as provided for in subparagraph (v) of paragraph a of subdivision three of this section, the state agency may procure the

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

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commodity independently or in conjunction with another state agency in accordance with paragraph c of subdivision three of this section.

S 3. This act shall take effect immediately; provided, however, that the amendments to subparagraph (i) of paragraph a of subdivision 5 of section 163 of the state finance law made by section two of this act shall not affect the repeal of such section and shall be deemed to be repealed therewith.