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

530

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. DESTITO, CHRISTENSEN, GALEF, BRADLEY, BRENNAN, MARKEY, ESPAILLAT -- Multi-Sponsored by -- M. of A. COOK, KOON, MAGEE, MILLER, J. RIVERA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the state finance law, in relation to the definition of "emergency" in the procurement process

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

Section 1. Paragraph b of subdivision 1 of section 163 of the state finance law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

b. "Emergency" means an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk, WHICH CREATES AN IMMINENT DANGER AND PRESSING NECESSITY FOR IMMEDIATE ATTENTION TO PERMIT THE SAFE CONTINUATION OF A NECESSARY PUBLIC USE OR FUNCTION, OR TO PROTECT THE PROPERTY OF THE STATE OF NEW YORK, OR THE LIFE, SAFETY, OR HEALTH OF ANY PERSON. AN AGENCY'S FAILURE TO PLAN IN ADVANCE, INCLUDING A FAILED PROCUREMENT PROCESS, WHICH RESULTS IN A SITUATION IN WHICH NORMAL PRACTICES CANNOT BE FOLLOWED DOES NOT CONSTITUTE AN EMERGENCY. AN EMERGENCY MUST BE DECLARED BY THE GOVERNOR.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rules or regulations necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date; and provided further, however, that the amendment to paragraph b of subdivision 1 of section 163 of the state finance law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

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

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